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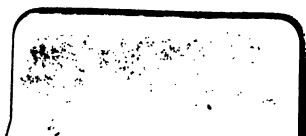
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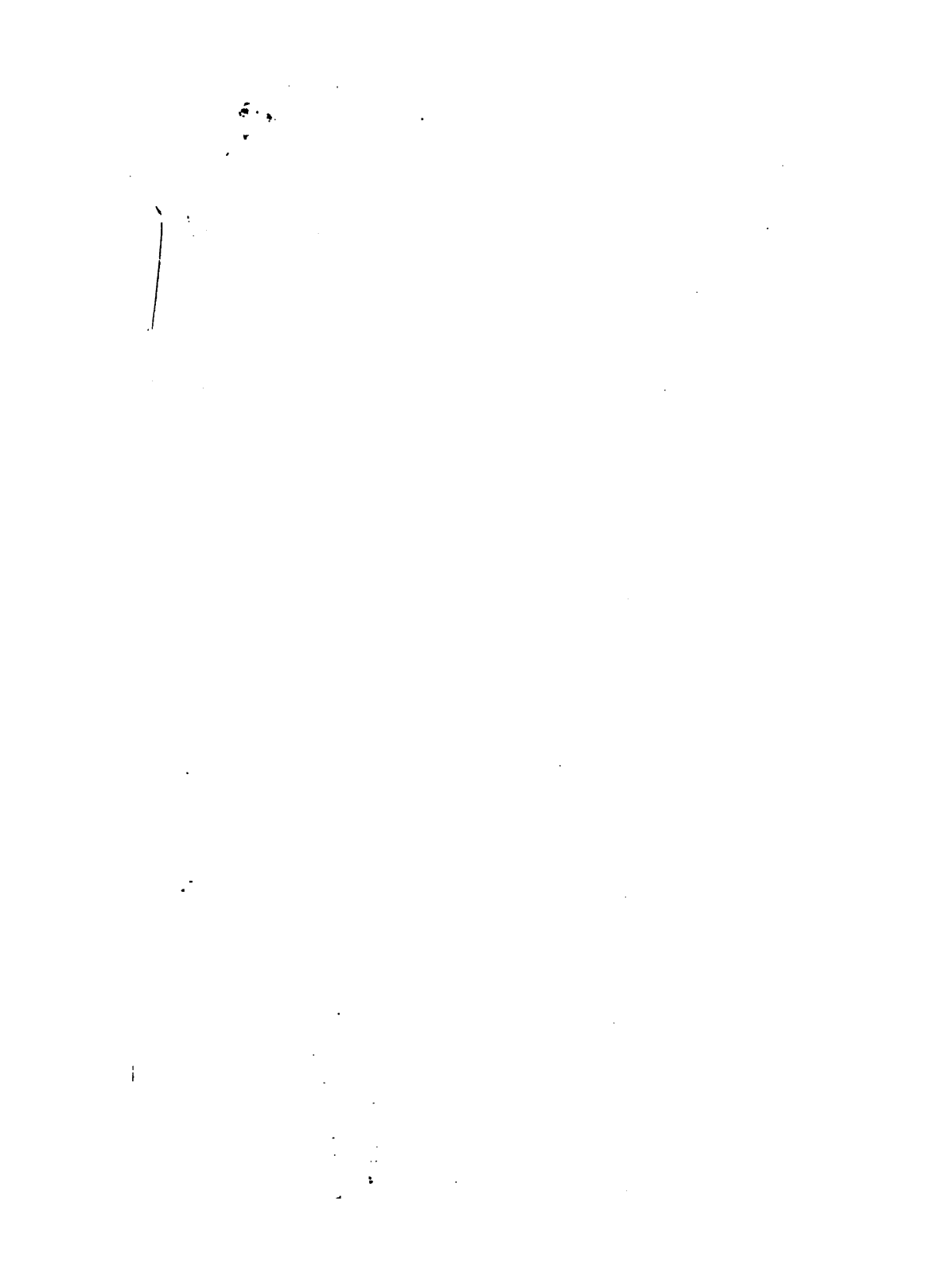
THE
IRISH PARLIAMENT

FLOOD



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HISTORICAL REVIEW
OF THE
IRISH PARLIAMENTS,
FROM THE EPOCH OF
HENRY II. TO THE UNION.

ADDRESSED TO THE
PROVOST AND FELLOWS OF TRINITY COLLEGE,
DUBLIN.

BY
WARDEN HATTON FLOOD,
(*Late Captain H.M.S.*)
AUTHOR OF MILITARY AND HISTORICAL ESSAYS.

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P R E F A C E .

THE vindication of the Parliaments of Ireland should more properly proceed from the pen of a member of the Irish Bar, whose education and pursuits would have enabled him to refer with accuracy and minuteness to every statute, enactment, and opinion which had formed so large a mass of hinderances to the free action of the Irish Parliaments from the fifteenth to the eighteenth century.

I have undertaken to reply to a Lecture entitled the " Life and Death " of the Irish Parliaments, from an historical point of view; on the policy of England in her relations with Ireland, especially during the Tudor and Stuart dynasties, from the epoch of Henry VII. to their utter extinction in the reign of James II. It must also be remembered that all, or almost all, the cruel persecutions, calamities, confiscations, the extirpation of the Celtic race, and the civil wars from dynastic changes, had their origin and their results within those memorable eras.

The Celtic, the Norman, the Danish, and the British colonies, which formed the Irish nation for a period of seven hundred years over which we have to meditate in the following pages, have left descendants who must surely take an interest in the history of their Parlia-

ments—an Institution which had its time of imperfectness both in England and Scotland, as well as Ireland—passing through the varied transitions and forms of the *Curia regis* to the *Concilium ordinarium regi*, which was more or less assisted, aided, or contravened by the *camera stellata* according to the power, the genius, and the character of the monarch who ruled the destinies of England, at any particular epoch; and it must never be forgotten, that the disturbing influences, whether internal or external, which agitated England over that long period from Henry II. to the third of the Georges, reciprocally acted on all the interior conditions of social life, whether of institutions, of races, or of creeds, from one extremity of Ireland to the other.

The enquirer into Irish Parliamentary history must recollect that the institution of Parliaments may be classified into three distinct periods and categories: the first—that which was initiatory—continued during the Norman Monarchy to the first of the Tudor line, Henry VII., when Norman barons and British races formed the Parliaments. The second period comprised the Tudor and Stuart dynasties, when the immigrants and “gentlemen settlers” had largely increased in number and importance, and when the Reformers and Roman Catholics sat in the same Parliament. The third period was from William III. to the establishment of the Hanoverian dynasty, composed of the officers and followers of William and the previous settlers of the Reformed creed; the elected from these constituted the Protestant Parliaments to the epoch of the Union. It must be borne in mind, that the confiscations, grants from the Crown, and other like means, had placed in possession of the Reformers all the lands and hereditaments, some forfeited and some unclaimed, which had been held by

more ancient races. They were for the most part gentlemen by descent, education, and manners, forming the new proprietary of by far the greater part of the Kingdom of Ireland. The dynastic events which created a purely Protestant Parliament, should never interpose between the high sentiment of national honor and the duty of vindicating national institutions, which were hindered in their development by legal obstructions, no less than political jealousies, and sectarian rivalry, which the laws of Elizabeth, down to the Act of Uniformity in the reign of Charles II., made a burden too heavy to bear for dissenters of all denominations.

Ireland has been too often made the scene of party contests, and her interests have been made the foot-ball of parties, kicked from side to side, and from point to point, whichever way the prevailing party in power might think fit; and if this political game was familiar before the Union, it certainly is not less so in the present day, when she seems to have no adequate representative body in the English Parliament.

It is true, indeed, Ireland is but a geographical expression, unknown to the diplomacy of the nineteenth century; yet from the fifth to the eighteenth century she had a political status in European diplomacy, and a glory that was her own. Her early annals had its sacred history, her Celtic literature its interest, and her military talents were appreciated. Oratory and politics had high places allotted them; the birth-place of "Free Trade," where the volumes of Adam Smith were first discussed, and his principles emancipated from their tomes to the more practical arenas of Parliament and Commerce. Ireland was a Kingdom then, held her own capital; and if she could not convince England of the justness of her "rights to free legisla-

tive power," she enabled her to see and to feel that none of the accomplishments which were cultivated at Athens or Rome were deficient in Ireland.

There is not an Isle in the blue *Ægean* that has not its hero and its story. There is not a land, however unimportant, that cannot select a prominent epoch in its history that is pre-eminently distinguished. It is thus we perceive the Poles, the Hungarians, and the Italians rise in the admiration of the European world. It was not because their institutions were perfect, nor that they were without manifold social disorders among themselves; no, it was from that self-respect arising from independence,—that national pride, the source of all magnanimity. It is not that the Italians cannot find in the pages of *Muratori*, *Guichardini*, and *Sismondi*, many traces of defective institutions, conflicting interests, vicious politicians, internal rivalities, and fatal combinations; no, but they perceived the bright image of their country surmounting all, and the lofty grandeur of their public men, their statesmen, orators, and historians, forming the graceful and resplendent ornaments to Italy. Nor are the dauntless Poles less alive to their former renown, and their, now, prostrate country; they still have within the spirit of Kosciusko, Sobieski, and Poniatowski; while the chivalrous Hungarian breathes the same lofty and gallant air that protected the crown of Maria Theresa, the patriot fidelity of a thousand years. Such are the qualities that constitute a true nobility: a love of honor, for honor's sake; of truth, for its purity and dignity; of patriotism, for that devotedness of the Argive, who died on his shield with love of country on his lips, or like the Spartan sacrifice of Leonidas—a love of equity so exalted and universal as crowned

Aristides with the epithet of "The Just." Such victims make a small nation great, a people few in number renowned and memorable through all time.

That creeping servility repelled by Tacitus and scoffed and castigated by Juvenal, mark the decline and fall of any nation.

Before raising the riven and torn standard of Erin, I must invite the enquirer into Irish Parliamentary history to examine and meditate on that grand intellectual structure, the British Legislature, the work of nine centuries. To do so, is particularly necessary to a right appreciation of the uneven and interrupted elevation of a similar edifice in the sister Kingdom, Ireland.

This legislative creation had in its earliest period the most misshaped and incongruous form. From the Norman Conquest to the eighteenth century it moved through or was begotten by a series of long devastating revolutions, each marked with a distinctness of change no less interesting than instructive. From the revolt of the Barons against King John, for their own benefit more than the people, to the more liberal and generous change in the reign of Henry III., still progressing onwards in a gradual, checkered, yet positive advance in the legislative structure, till at last Prerogative and Star Chambers met their final overthrow in the Commonwealth.

From this arose a more noble and stately edifice, large enough to contain all ranks and conditions of social representation in the same kingdom.

If the House of Commons of England ultimately emancipated itself from the long-endured pains and penalties of Prerogative in the most imperious form, it was not till after two dynasties had ceased to reign,

and the privileges of the House had been constantly violated. The following historic trait of Mr. Speaker Coke and Queen Elizabeth is one remarkable illustration of the fact, taken from the Parliamentary History, vol. iv., pp. 345, 346, 349.

The high prerogative of the queen and the slavish humility of some members were strikingly exemplified in this Parliament. The famous Coke was chosen Speaker, and his address to her Majesty contains the following passage:—"This nomination is only as yet a nomination, and no election until your Majesty giveth allowance and approbation. For as in the heavens a star is but *opacum corpus* until it have received light from the sun, so stand I *corpus opacum*, a mute body, until your Highness' bright shining wisdom hath looked upon me, and allowed me * * *

But how unable I am to do this office my present speech doth tell, that, of a number in this house, I am most unfit. For amongst them are many grave, many learned, many deep wise men, and those of ripe judgment; but I am untimely fruit, not yet ripe, but a bud scarcely blossomed. So, as I fear me, your Majesty will say, *neglecta fruge, eliguntur folia*—amongst so many fair fruit ye have plucked a shaking leaf." Elizabeth assuring him that his *corpus opacum* should be illuminated by her princely virtue and wisdom, Coke made the usual demands of liberty of speech, freedom from arrest, and free access to the royal person; and some idea may be formed from the Lord Keeper's answer, of the extent to which this princess carried the regal power: "Liberty of speech is granted you; but how far this is to be thought on, there be two things of most necessity, and those two do most harm, which are, wit and speech * * Privilege of speech is granted,

but you must know what privilege you have. Not to speak every one what he listeth, or what cometh into his brain to utter that; but your privilege is *Aye* or *No*. Wherefore, Mr. Speaker, Her Majesty's pleasure is, that if you perceive any idle heads, which will not stick to hazard their own estates, which will not meddle with reforming the church, and transforming the Commonwealth, and do exhibit any bills to such purpose, that you receive them not, until they be viewed and considered by those who it is fitter should consider of such things, and can better judge of them."

The above historic fact is worth a volume of argument on the liberty and privileges of the House of Commons. No more skilful instruments of prerogative and the imperious queen could well be found than Coke and Bacon, nor yet men more politically corrupt: both arraigned Essex without a crime; both condemned him; both were dismissed from office by James, one for subornation, the other for disobedience. Coke again turned from privilege to prerogative. How contemptible is human character, when men of "wisdom" compromise themselves for transitory advantages. We have here also one of the instances of the submissive character of the House of Commons of England under the Tudors, when the subsidies were voted for four years at a time to Henry VIII., or when Parliaments were convened, dismissed, or prorogued at indefinite periods; sometimes the Parliament lasting for fourteen years, sometimes only one; the pleasure and policy of the Crown being the only restriction observed. Neither were the members more favoured by freedom of speech, freedom from arrest, nor imprisonment, or even death, as in the celebrated cases of Essex and Raleigh.

Constitutions that rest on a representative basis are

generally analogous in most of their constituent parts; and the modern reader may observe this fact in the systems of Prussia, Spain, and Italy,—the authority of the Crown constraining or freeing the exercise of the legislative functions of the Lower House.

The Irish House of Commons was modelled on the general outline of that of England. The same statutes, the same rules of form, of election, and general scope of purview. It was the Norman and Celtic genius that first presided in these parliaments, at once ardent, rapid, comprehensive, and varied; often emitting wit and graceful humour with profound thought, relieving and lightening the more difficult subjects of politics. Had the Irish Parliament, therefore, been left free in the exercise of its unquestionable rights, it would have surpassed and eclipsed that of England during the Tudor and Stuart dynasties. The reverse was the case; contrary to the natural instincts of the Celtic and Norman races, tormented and misgoverned, the legislature was held back, and perverted in all its functions.

The author of the “Life and Death of the Irish Parliament” lays the force of his arguments on three points, which disappear on a critical investigation:—

First, what the Privy Council did in Ireland, the Crown and the Ministers did in England for five hundred years.

Second, the duration of Parliaments.

Third, the raising of subsidies and the levy of taxes belong to the same category, well illustrated in the reigns of Henry VIII., Elizabeth, and Charles I. The Journals of the House of Commons, the Parliamentary History of England, Townshend’s Debates in the reign of Elizabeth, and the great historical work of Knight, Hallam’s and May’s Constitutional Histories of England,

are the only authorities to be relied on. All courtly Memoirs and Apologies, with their glozing flatteries of the worst monarchs and governments, should be cast aside as unworthy of the austerity and dignity of the Historic Muse.

As to Ireland, she has few unflickering lights to lead to truth; party writers everywhere, historians few.

For Parliamentary history, Molyneux points with fidelity and patriotism to all the statutes repulsive to Irish Nationality no less than to Irish Rights and Charters. Mr. Barrington's Observations on the English statutes introduced into Ireland.

The Journals of the House of Commons and Lords of Ireland, and the Privy Council books; Wright's State Papers, and Von Raumer's Critical Notes and Extracts from the State Paper Office, and the highly important work of the late Sir Jonah Barrington, the "Historic Memoirs of the Irish Union," in quarto,—a valuable contribution, which was suppressed for years, but which marks with painful distinctness and emphasis the sale and overthrow of the national institution of an Irish Parliament.

It remains for me but to explain my own position on this sensitive subject.

I do not come forward here to betray my country, to speak contemptuously of her institutions, her legislative capacity, the inferiority of her lawyers, her statesmen, and her orators; no, this would be beneath an Irish gentleman. I want nothing from the Government nor from the electors; I have nothing to seek but the approbation of men of public virtue. To think or to act otherwise would be to forget the pages of Plutarch and of Tacitus.

The disinterested and unrequited services of many of my family in the Parliaments of Ireland justify my protecting their fame to any extent I may find necessary.

W. H. F.

16, *Sackville Street, London.*

May 26th, 1863.

HISTORICAL ADDRESS.

MR. PROVOST,

LEARNED AND DISTINGUISHED GENTLEMEN,

I have the honor to address your eminent Board with sentiments of the utmost respect, not only as the instructors of and guides to practical wisdom and public virtue, but as the representatives of a university that for learning and abilities is not inferior to any in Europe. Nor is your patriotism less conspicuous; within your walls are memorials of your great men, who were faithful to their country in whatever sphere of action their genius or their virtue led them to pursue.

A lecture, entitled the "Life and Death of the Irish Parliaments," has been recently delivered in Dublin by your representative in Parliament, who, as such, gives it an official import. Moreover, the lecture is addressed to the "Young Men's Christian Association," opening with psalmody, which gave an air of solemnity to the proceedings quite in keeping with a thesis on moral philosophy, political ethics, or Christian civilization, but little in connection with the "Life and Death of the Irish Parliaments."

Several of your distinguished predecessors had seats in the Irish Parliaments; and three of your representatives, Mr. Molyneux, Sir Lawrence Parsons, and Mr. Hutchinson, eminently distinguished themselves. The case of Ireland, the defence of Ireland, and the Commercial propositions of Ireland: the first, by asserting the legislative rights and capacity of Ireland; the second, the defence of the ancient literature of

Ireland; and the third, the commercial necessities of Ireland; all these were written with a devoted patriotism and singleness of motive much required in the present day.

I shall divide my remarks into two sections:—The first, on the “Life and Death of the Irish Parliaments” as national institutions.

And, second, the character and conduct of Mr. Flood in supporting those institutions.

In offering the following reflections, I am not actuated by any hope of any honorary reward, or the expectancy of political advancement: office and honors are the handmaids to power, too often arrived at by corrupt influence or equivocal motives.

The quiet resources of literary taste and the refinements of modern society are enjoyments not to be deserted. To defend the weak and helpless, is noble and disinterested; to protect the memory of a great public man, who had toiled through life in the service of his country, is at least an honorable spontaneity.

“The Life and Death of the Irish Parliaments” is a large subject, involved in so many complexities in the social, political, and statistic condition of Ireland at various epochs; and to make such a retrospect valuable, we must glance at the contemporaneous state of the English and Scotch Parliaments, so as to trace fairly the progress, or hindrance, that may have intervened at particular periods. Such at least is the philosophy of history; for we might as well expect to find a defect in some complicated piece of machinery by examining one wheel or one pulley, as to hope to represent the Irish Parliaments without the aid of contemporaneous events in England. Ireland has been since the 12th century a dependency of the British Crown, given, as it were, by the Roman Pontiff, the dispenser at that period of all temporalities; and she knew of nothing but dependency from that time forth.

The “Life and Death of the Irish Parliaments” might well arouse the susceptibilities of the descendants of

the Norman and Anglo Saxon races, from the reign of Henry II. to William III.; their ancestors, whether composing the armies of invasion, or as undertakers, who had purchased grants from the Crown, all were branches of genealogical trees that had their roots in England. Nor were the Scotch settlers of the north of Ireland less ardent patriots for the legislative independence of their adopted country. So, in fact, it was not the Milesian colonist nor more ancient races who set the example of independence, but the Molyneuxs, the Swifts, the Floods, the Caufields, and the Grattans, all representatives of Norman and Anglo-Saxon lines.

No man in recent times has brought to the instructive page of history such copious learning, such facility of comparison, such appropriateness of metaphor combined with a flowing eloquence, as Lord Macaulay, stamping truth everywhere on his deductions; too noble by nature to have recourse to the mean artifice of suppressing the truth to make any particular statesman odious; too lofty in his judgment to pander to vulgar prejudices, or to stoop to the adoption of the most ribald tales, wandering from mouth to mouth or book to book, to disparage a statesman not an idol of popularity, or a Parliament not the perfection of a Utopia; too fearless in his spirit not boldly to confess the despotic power exercised by England over her colonies and her dependencies; and even in the distant realms of India, when his mind soared and pervaded over all her empire, he turned his thoughts to remote Ireland, and said "she had had but too much reason to complain." Lord Macaulay, statesman, orator, and historian, would have had the energy to defend and the heart to sympathise with Ireland. This noble Scot, worthy of so glorious a land, affluent in genius and abundant in eloquence, and superior to both in honesty of purpose.

The history of Ireland is one of calamity, even in her Celtic annals. From the 9th to the 12th century, one of invasion and confusion. From the 12th to the

close of the 17th a gleam of light appeared on the horizon—fitful, transitory, and misgiving,—yet it was light. From the 17th to the close of the 18th we had the daylight of comparative freedom; and it is within this last period that the statesmen, orators, and philosophers of Ireland are to be found.

Amidst so many conflicting races, religions and interests, with their attendants, rapacity, bigotry, and policy, it required a lofty spirit and fearless heart to rise above the loaded atmosphere of prejudice, and the vulgar traditions of popular errors, agreeable to sectarian party, but wanting when placed in the balance of truth and equity.

Removed at this moment from sources of reference to Irish Parliamentary history, such as it is, and the local institutions of Ireland, I must for the present, at least, depend on memory; but a previous study of Sir James Ware, the translations from the Erse language made by members of your University, the works of Spencer, Campion, Wright, and Mant, throw a steady light on the condition of Ireland at her earlier periods; and as I descend in time, the statutory history of England and the Compendium of Molyneux, the Journals of the House of Lords and Commons, the Records of the Privy Council, these, with those small tributaries, the Reports of Sir James Caldwell, and Lord Mountmorris's "History of the House of Lords," are the only reliable authorities; the rest are party statements, or mere inventions for party purposes: and there is no country in Europe where the bias of party more actively vitiates the writers of historical biography and retrospects of bygone times.

Ireland, then, divided into as many opinions as races—into as many creeds as there are sects in religion—into as many modes of government as there were parties in the State—into as many Lord-deputies as provinces; there were as many changes as dynasties, whether Plantagenets or Tudors, Stuarts, Stadholder, or Guelph.

Ireland bent beneath the burden of her inferiority, and the yoke of a despotic power, transmitted through centuries. It has been said by politicians that, "Ireland's opportunity was England's weakness;" an inference borne out by facts, but one which I do not adopt, nor do not recommend. England, broken and distracted by civil contests and social dynasties, had more than once given opportunities to Ireland. The Charter of King John was the first formal declaration of the constitution of Parliament, and a Bill of Rights was also granted with the charter by that monarch. This great boon to the Kingdom of Ireland was a benefaction which might have produced in the course of time the fruits of good government and civil independence, had wisdom prevailed in the council-chamber of Dublin Castle; but the policy there was to control rather than to set up, to constrain rather than to develope.

If at Runnymede England acquired the Bill of Rights, why should not Ireland have had the benefit of hers? The knights and esquires of the same race had become proprietors and settlers in Ireland; the distant seat of government, the precarious intercourse, made local and national institutions of the first necessity.

The social advance of England and Scotland was not so far ahead of Ireland, as represented in her large towns and sea-ports, as to make similar institutions impossible. No; Ireland, though a separate kingdom, was to be governed in an absolute manner, whether exercised by a Strongbow, a Poynings, or a Strafford. It was the policy of England for five centuries, at least, to rule Ireland with absolute control, either by a lord deputy and privy-council, or viceroy and council.

No sooner had the Wars of the Roses ceased than the vigilant mind of Henry VII. directed his attention to his Irish dependency, and he sent over to that country one of the most acute and learned of the lawyers of his reign—Sir Edward Poynings—to devise

such statutes, to complete those measures which would render Irish Parliaments nugatory, and their Charter and Bill of Rights of no avail.

The temptation to centralize the powers of the State in one hand was too great for a lord-deputy of so much obsequious cunning. Mr. Molyneux, the illustrious representative of your University in 1688, had reviewed with a cautious and careful meditation the earlier epochs of Ireland's history, and as a lawyer and gentleman no one was more capable of doing so; and he conveyed his views to his friend, Mr. Locke, who approved of them, so well explained in that singular pandect, which contains so much in so small a compass. The opinions of such men, eminent for their learning and philosophy, in favor of the rights of Ireland to a legislative independence, is conclusive as to this very material question. The enquiry naturally arises, why Ireland was never allowed to exercise her parliamentary rights regularly, as in the sister kingdom, before the great revolution of 1688? The answer is, —Though Ireland was a gift from the Roman Pontiff to Henry II., yet that politic monarch sent one of his most powerful vassals to secure "the gift" by conquest; nor, did the Roman legions turn with more contempt from the northern barbarians of Britain than did the chivalry of England from the Celtic Irish. Made secure by conquest, the lords of the Pale and the Parliament soon found it requisite to make the land of their conquest the place of their residence. Local parliaments were the first fruits of this change. Remote from the seat of government, the long interval of time requisite to communicate and to receive despatches, pointed readily to administration in either Kilkenny or Dublin as the chief city or centre.

Whatever prepossession the Anglo-Norman knights might have had for Parliaments, such as their ancestors have founded at Rouen in Normandy, the house of Tudor preferred the management of a governor or a lord deputy in council, as the more easy form of rule;

a Parliament, or the semblance of one, having been seldom convened.

The House of Stuart followed with alacrity a course so congenial, and Wentworth, Earl of Strafford, was a true impersonation of their despotic power in Ireland. For one hundred years after the revolution there was a slow but perceptible change, as progressing as the development of the national resources were discovered, and as the strength of her population increased. The lethargic repose into which the spell of power of England had cast the Parliaments of Ireland, required time before renewed vitality could assume the energies of strength, and still longer before the maturity of legislative power could be manifested.

The first era of English power in Ireland was the absolute rule of conquest.

The second, that of a despotic character.

The third, that of a colonial form, with a viceroy, to indicate by his title that Ireland was integral of the British Imperial Crown. In the development which time produced, civil government throughout the country made some enlargement of the national institutions necessary; and thus, rather by constraint than goodwill, the trammels were removed from the Irish Parliaments, which were again to give way before an insidious policy, leaving a lasting opprobrium on a nation that could sell its legislative independence.

The Anglo-Norman and Anglo-Saxon proprietary, from Waterford to Wexford, and from Kilkenny to Dublin, the whole of Leinster and a part of Munster, presented a sufficient number of knights and esquires to form a parliament, small but homogenous. The inhabitants of the large towns, Dublin, Drogheda, Cork, and Waterford, were descendants from the Danes, who had occupied the southern and eastern coast line of Ireland in the 9th century, which no less than the Spanish colony which Miletus established in the western limits at a still earlier epoch, were removed from a barbarous condition, and might soon have become rivals

in enterprise to the maritime towns of England, between the 12th and 17th centuries.

The scattered and varied population of Ireland was concentrated chiefly at the sea-ports, and the Celtic race dispersed throughout the interior, according to Campion.

The population at the time of the Anglo-Norman conquest was not appreciable, nor for a long period subsequent. However, elements of civil administration were always sufficiently abundant to allow of the convening of Parliament at least biennially, had a parliamentary system been the plan of Government.

The religious element in the social and political condition of Ireland, from the Norman conquest to the revolution of 1688, must have a prominent place in any political survey, however brief, since religious faith had too often been used as an important influence in dynastic struggles and temporal government.

St. Patrick and St. Columba had as early as the 5th century introduced Christianity.

The Roman Pallium, the emblem of the spiritual authority of the Roman Pontiff, accompanied the Anglo-Norman expedition under the great Earl of Pembroke (Strongbow). His knights, and their esquires and followers, formed the first military colony of the Italian church. These increased in numbers by each successive immigration, thenceforth to the epoch of the Reformation, a period of four centuries.

The Danes of the 9th century had been converted to Christianity by the Culdees, and it is probable they formed a uniform body with the Italian Church shortly after their new conquest.

The Reformation, however, brought new immigrants, and with them a new faith; these extended and settled on unclaimed or unoccupied territory. The violent and vindictive reign of Mary and Phillip disturbed the rapid march of the Reformation; and the acts of this reign were probably the first cause of those religious distractions which have afflicted Ireland for so long a

period. The subsequent reign did little to allay or to mitigate any of the evils that had arisen.

Elizabeth and James I. enlarged the sphere of action, and encouraged the Reformation, the former by planting Munster, and the latter Ulster; these were accessions of strength of a social character, calculated in some measure to the improvement of Ireland.

The merchants, the undertakers, and the speculators in land, received grants on very moderate terms, says Payne, and being of a class of society superior to mere adventurers, a more favorable turn to events seemed visible in the South and East, in Munster and Leinster; while the North received the hardy sons of Scotland as a plantation in the following reign. Ulster then gloried in a Scotch colony. Thus, the Reformation was largely reinforced, and successive reigns increased the numerical importance of this formidable body; the short and vicious sojourn of James II. scarcely makes an exception. His conduct in Ireland is noticeable in reference to the parliaments. He immediately convened the parliaments, says Bishop Mant, and appointed an adventurer, a hanger-on of the Inns of Courts of Law, to introduce bills for the repeal of the Law of Settlement, the repeal of the statutes effecting Protestant tenures, and a bill to re-enact the restitution of forfeited estates, and by these means to unite the Celtic Irish and the Anglo-Norman attached to the Italian faith in favor of the despised and dethroned king.

In the time of Charles I., Mr. Cobbett, in his "Parliamentary Register," relates: "A committee of the House of Commons was appointed to enquire into the sale of confiscated estates in Ireland, of which Sir Francis Annesley, the accomplished surveyor and patriot of that time, was chairman; he advised the restitution of those estates to the Celtic heirs. The committee, with the exception of Sir Richard Levinge, were of the same opinion. The Earl of Strafford was not a man to let such advice pass unpunished. Sir

Francis Annesley was impeached, and his estates forfeited to the Crown."

It is abundantly evident that the Irish parliaments were, whenever State affairs required, made instruments more or less subversive of a free legislative character, and of national unity.

It is equally clear that the divisions in the Christian Church were arrayed under their respective banners on all dynastic changes ; and institutions, in themselves good, were converted to mere political requirements of each successive party.

The advent of William III. in Ireland was probably one of the most fortunate incidents in the history of the country. In two battles—the Boyne and Aughrim—he vanquished the Celtic armies, officered by Anglo-Normans. The machinations of the Jacobites were thus frustrated ; the confiscations prepared or meditated, cancelled ; and the hopes and expectations of the great Celtic party rendered utterly impossible.

The magnanimous and valiant king, the liberator and benefactor of a great people, came to Ireland, not as the apostle of a particular ritual, but as the extirpator of a pusillanimous monarch who had not been true to one faith or another, who was equally indifferent to Irish celts or English yeomen ; his sole object being an absolute power with a subservient Parliament in both kingdoms, and a Tyrconnell acting the part of another Strafford. The destiny of Ireland was determined in two battles. The refined and elegant forms of the Roman worship were removed from the supreme position of a dominant faith, and the Reformed Creed placed in its stead.

There was but one fault in that age. The Roman Catholics were denied all political power, but never was there so much liberty gained by so small a sacrifice. For seven hundred years the Italian faith had exercised during a long course of time a splendid supremacy ; it was now to cede to a more simple, yet not less instructive, form of Christianity.

With William came a new, refined, and enlightened gentry, ready to associate themselves with their adopted country. Settled in different localities from North to South, they soon became "more Irish than the Irish themselves."

From this stock or "plantation" sprung the future Parliaments of Ireland, wherein men of the highest intellectual attainments had seats; where the happiest combination of wit and genius, patriotism and power, dignity and public virtue, were found united with oratory after the style of Demosthenes and Cicero; where statesmanship and a high sense of national independence co-existed with profound loyalty to the Crown; where the principles of Locke and Adam Smith found a ready access; and where the public mind became tutored in public policy by orators affluent in all the graces of language.

The meditative and philosophic minds of Locke and Molyneux considered the accession of William as an omen favorable to an enlightened freedom, under a limited monarchy. Toleration in religious differences—always the work of time—was sure to follow in the progressive legislation of a mild Government. When absolute power ceased for ever with the last of the Stuarts; when internal calamities were arrested by the destruction of the causes which led to them; when the vices of a weak and unstable government were brought to an end; the Irish nation had as much reason to rejoice in a bright hope of the future as the inhabitants of Great Britain.

I have the honor to be,
Mr. Provost,
Learned and distinguished Gentlemen,
With highest consideration,
Yours obediently,

WARDEN HATTON FLOOD,
Late Capt. H.M.S.,

Author of Military and Historical Essays.

Paris, February, 1863.

“ HISTORIC DOUBTS ”

ON

MR. WHITESIDE'S LECTURE—“THE LIFE AND DEATH OF THE IRISH PARLIAMENTS.”

It is the remark of the celebrated historian Gibbon, “that he never read a book without first considering the character of the author, and next, whatever could be said on the subject-matter.” I shall try and apply this admirable recommendation.

Mr. Whiteside's name is familiar to every one as a clever member of the Irish Bar. He has long obtained a name, and has maintained a place in the first rank of the courts of law on the circuits. In literature, his book on the Papacy in the Nineteenth Century, his Translation of the Latin essay “On the Cenci,” his “Life and Writings of Goldsmith,” &c., give him a certain consideration.

Mr. Whiteside, though a Northern, is gradually getting into favor in the South, and even in Dublin. His defence of Miss Longworth, or the Honourable Mrs. Yelverton, was a masterpiece of forensic skill, confounding witnesses, puzzling priests on their own *terra sacra*, questioning, cross-questioning, perplexing and annihilating a host of adverse witnesses. His case was successful; he received an ovation from the courts; he received the cheers of the House of Commons. Mr. Whiteside is a very fortunate man: virtues in Ireland are seldom so rewarded; and those public

men who have any, says Swift, generally leave the country.

Mr. Whiteside is not, however, content with the laborious honors of the Bar; he finds time to imitate Lord Carlisle and Lord Russell in giving lectures,—a sort of light and fashionable pastime, about which we have no accountability.

A lecture on “Oliver Goldsmith” is a somewhat easy task. Macaulay, Washington Irving, and Johnson have all given interesting biographies of him, and there is not an edition of his works without a sketch, long or short, of the author.

Even in this lecture on Goldsmith, it is not so much the “Vicar of Wakefield” we have before us, as the struggling *littérateur*. Nor is he happy in his remarks on versification: they are not those which Horace would have made; and yet they are better than his maxims on oratory, which could never make an orator; we should more profitably study the works of Quintillian, Longinus, and Tacitus. An orator is born one, not made,—just as much as a poet is said to be so gifted.

This year, however, Mr. Whiteside has ventured a step further. He has given a lecture, called by him the “Life and Death of the Irish Parliaments.” This is, in fact, the “Rise and Fall of Sir Jonah Barrington” reversed; we are presented with the obverse of this medallion to national honor. Sir Jonah Barrington brought much Irish wit, talent, dexterity, and a large bundle of facts, for the most part authentic, and above all and superior to all, a highly praiseworthy national spirit; he has exhibited a large share of political acumen, and a liberal, generous sentiment throughout.

Mr. Whiteside, on the contrary, has shown us, as Calisthenes did before Alexander, what can be said on the other side, when invited by the conqueror to argue both sides of a question. The “Life and Death” shows Mr. Whiteside to be what he really is, an able lawyer and a cautious politician, but not yet shown the qualities of a statesman nor orator.

Mr. Whiteside cannot be accused of a want of confidence or facility in language: without the former he could not enter on so anti-national a topic as the degradation of the Irish Parliaments in the capital of Ireland; and without the latter his treasury of knowledge must have been soon exhausted where the statute book and state prosecutions were the staple of his lecture. Cataline would have scarcely spoken against the republic in the Roman forum. It is as easy for Mr. Whiteside to travesty Irish Parliaments and characters, as for the actors in the Haymarket to burlesque the characters of Medea and Jason, in the play of Euripedes.

The case of Ireland and of her Parliaments does not admit of the argumentative form of a brief; statutory law is good when applicable to the state of society in a country, and the common law excellent when arising out of the customs of a people; but the peculiar condition of the Celtic race, the Danish insurgents, the Anglo-Normans and Anglo-Saxon invaders, as well as the physical and social state of Ireland, made the application of such laws of doubtful benefit. But such a view of the subject is in favor of a local Parliament; a country of such extent demanded one, whether comprised of the conquering race or the mixed Anglo-Danish inhabitants of towns and seaports; the Celtic population being ignorant of the English language up to the reign of Elizabeth. Circumjacent countries, their political disquietudes, jealousies, and animosities, must be taken into consideration, no less than the great difficulties of communication between the seat of government in England, and the seat of authority in Ireland. Looking for a moment at the first point, it is necessary to recollect that the Norman monarchy from William to Henry V., from the epoch of the battle of Hastings to that of Cressy, the continental appanages of the British crown, gave continual occupation to the *monarchs*; their attention, their policy, and polity had *an external character*.

Ireland indeed was the gift of the Roman Pontiff; it was necessary simply to hold it somehow, and a concentrated autocratic form was decidedly the easiest; and a statute enacted in the councils of England, was a rescript not to be despised. Parliaments were analogous to the Norman custom—the very word was Norman—the institution was idiocyncratic of the nation. The Dukes of Normandy had an identity of object with their warrior subjects—conquest: to assemble in Parliament was to agree to a line of policy. The Anglo-Saxons of the Heptarchy had their storklings or witans (meetings) for some local or common legislation, by no means so comprehensive as the Parliament of the Norman. England gained by the Norman conquest. Her empire commenced, her glory extended, her power from thenceforth and for ever to be unlimited. Ireland was of inferior moment, a mere speck, a semi-barbarous and uncultivated dependency, colonised, but not subdued, for at least five centuries after the Norman conquest of England.

The difficulty of communication was not a less pressing and portentous consideration; perils by sea, perils by land, perils by robbers, perils by false brethren, were by no means exaggerated figures of the mind; they were bodily dangers positive, and almost certain, from the reign of Henry II. to that of Henry VII. Months had to elapse before despatches could be exchanged between the King and his liege vassal lords of Ireland. Thence the necessity of a Parliament for the yearly increasing wants of Ireland.

It was felt, and it was obeyed; not regularly, it is true, but fitfully; a thousand hindrances sprang up from one epoch to another.

Adhering with reverent attention to the maxim of Gibbon—that the character and pursuit of the author are an index to his work, as well as what can be stated on the subject-matter,—like an alchemist who purifies his metal by the crucible,—so the great historian tries every *fact by the test of truth, that beauty of equity*

and honor of which a mere partisan, or the mere speculator on the chances of advancement, can have no conception.

Horace Walpole was of this opinion as well as Gibbon. Both were gentlemen by birth and fortune; both too dignified to lend their graceful pens to party views of historic subjects.

Sallust and Tacitus were patricians, and therefore, in the highest sense of the term, gentlemen. Above money and above price, the pursuit of history was to them the elegant refinement of truth in its rigorous impartiality—a quality rare indeed, as the choicest plants of a conservatory. Horace Walpole exercised the quick and penetrating acumen of his inquiring mind on certain points in the history of England by Hume; for Hume, though a very sceptic and cautious writer, fell into error now and then. Horace Walpole then gave us his Historic Doubts, and very important ones they are.

The thought has struck me, that the learned lecturer of the "Christian Association" might, in his great zeal in advocating the cause of the Union, make some grave errors, quite opposed to the philosophy of history. Mr. Whiteside is a lawyer by profession, a pleader of either side of a case for which he may be retained. His mind strong from exercise, and dexterous in citation from habit, he never fails to make out a good pleading. Authorities are never wanting, whether the furious Coke or Jeffries, Thurlow or Mansfield, Poynings, Wentworth and Tyrconnell, all serve in their respective epoch, for the purpose of denouncing Irish parliaments *ab initio ad finis*.

I hope I shall not misrepresent the learned lecturer. He states: "One State, one Law, one Church," was the scheme of policy of the English monarchs from the first. A theory worthy the Utopia of Sir Thomas More; but very unlike the thought of the warrior kings of the Norman line.

When William won the battle of Hastings, the

learned and reverend Abbots of Battle Abbey approached the conqueror and supplicated his clemency. "Yes," said he, "and more; I will make wine be as abundant as water here!" The Norman line were noble conquerors.

I shall take leave to divide the lecture into three sections, which I shall call epochs.

FIRST EPOCH.

From Henry the Second to Henry the Seventh.

Mr. Whiteside will not allow Henry II. to be a conqueror, or his military occupation of Ireland to be a conquest. There was no army of natives to oppose his landing; there was no battle of Hastings; but the result and attending circumstances gave a correctness to the expression.

The Celtic race in Ireland—using the nomenclature of Dr. Arnold, who divides the Celtic race into nomade tribes—had attained no military character, as our earliest historians affirm. Conquest it was, in the sense of those days. The story is: McDermott, called "King of Leinster," had supplicated, by embassy, the intervention of Henry II. a long time before, to prevent the rapine and ruin caused by a marauding king called Mac Murrough. It is said Henry waited the authority of a Papal bull, Ireland being then considered a fief of the Apostolic Empire. A gift was made to Henry by the Roman Pontiff, *then* the most powerful sovereign in Europe, of the *Isola Santa*, on condition that the Roman pallium and crozier, the symbols of Roman spiritual authority, accompanied the expedition; and so they did. The Holy See gave the right of possession, and made the military occupation of the Norman king and knights from Waterford to Dublin one of complete success.

Henry II. was courteous and politic, as well as brave. He offered to the chieftains—now flattered with the

title of kings—the common laws and statutes of England,—a dead letter to the people, who could not understand them.

The Brehon law, or code, was indigenous, and therefore preferable, at least till the dawn of a more perfect social condition; but there was a large population to whom the mission was acceptable—the Dane, the Anglo-Saxon, and the Spano-Celtic colony who formed the maritime inhabitants of the large sea-ports from Kinsale eastward to Dublin and Dundalk; these formed the nuclei of an important power, which was one day, though distant, to develop the commercial strength of Ireland—these accepted with gratitude the laws of England.

The egrestic or pastoral people were the ancient native race, partly scattered over plains and vales of limited extent,—the physical geography of Ireland being in the 12th century for the most part wood, lake, and morass.

It is not surprising, therefore, that the law for holding parliaments was not operative.

Mr. Whiteside states: “We are assembled to enquire *when* the parliament was born,—how it lived,—and *when* and from what cause it died?”

To support or illustrate his text, he says: “Lord Coke, in Part 7 of his Reports, and again in the preface to Part 4, ‘That Ireland was subject to the crown of England long before the reign of Henry II.’” But what avail is this, but to prove more clearly that the Roman Pontiff alone could confer a rightful title—a valid title that was at once the investiture of great and supreme authority in temporal affairs, and thus give renewed force to the previous arguments in favor of Henry II., and all his acts in Ireland. As the invasion of the Danes took place in the 9th century, Ireland must have been known to King Edgar in the 10th; but all the honor of complete annexation and settlement belong to Henry II.

As to the trite maxim, “One Law, one State, one

Church," it existed simply on paper; one of those delicate theorems too fragile, too absolute, for long existence. The visible Church, from the Tiber to the Liffey, was the Roman. The State, the more powerful of the two kingdoms; the Law, that which could not be enforced in Ireland outside the English pale about Dublin, for centuries after the conquest or military occupation.

The High Court of Parliament was conceded in the reign of Henry II.—probably some years after his visit to Ireland—and the exact Charter and Bill of Rights by King John in a subsequent reign; as this prince had long resided in Ireland, he must have known all her wants and her capacities.

Here, again, an additional force is given to the argument that Ireland had a right to a separate parliament, as most essential to her prosperity, to guard and develope her increasing vigour. The hypothesis as to the counties, shires, burghs, not having any existence at the first epoch, is simply arguing *ex absurdo*: parliaments could be formed without reference to territorial divisions, and were so in the first instance,—the principal men of the immigrant races, the knights, forming an Upper House. In addition, the Norman kings and their judges were too wise to command that which it was impossible to do. Few in number, but still a parliament, which time added to as the government extended.

It must always be carried in recollection, that the civil wars in England essentially retarded the progress of civil government, especially in Ireland, and rendered inoperative the concessions of the Norman monarchs.

There is an absence of authentic information where, and when, the first parliaments met. I should infer Kilkenny had the priority, as nearest the point of debarkation, Waterford. When? In the reign of Henry II. These are points for the cavilist, rather than the patriot; for the lawyer, rather than the statesman.

Mr. Whiteside's design being to make out a case in

favor of the union of the legislative bodies of both kingdoms *ab initio*, he uses all the subtle abilities of the casuist in his pleading; for it is a pleading, not a lecture. He cites the notable passage of Sir John Davies, who was himself a strong partisan (*tem.* James I.): "And "as there is now but one common law, so for the space "of *one hundred and forty years* after King Henry II. had "taken possession of the lordship of Ireland there was "but one Parliament for both kingdoms; but the laws "made in the Parliaments of England were from time to "time transmitted hither, *under the great seal of that kingdom, to be proclaimed, enrolled, and executed as the law "of the (this?) realm.*" Now, if this citation be accepted as *true and proven, which it is not*, then it follows beyond dispute that during one hundred and forty years, from 1171 to 1311, that is, to the reign of Edward II.—one of those great monarchs who never did any injustice, the successor of the English Justinian—England had *usurped the power* of legislating for Ireland; for Sir John Davies pointedly and expressly says, *the English Parliament*. Now this proves nothing against *Irish Parliaments*, their rights, and the validity of their powers. But it implies this—an inchoate *status* of political life in Ireland, at the period that Henry granted the *modus* and statutes to his new conquest. Mr. Whiteside then quotes Lord Coke's 4th Institute thus: "*Sometimes* the King of England called his nobles of "Ireland to come to his Parliament of England, and by "special words the Parliament of England may bind the "*subjects* of Ireland;" cites the Parliamentary Roll, reciting the writ or rescript thus: "*Ricardo de Burgo, Com. "Ulton., et aliis Nobilibus, &c.,*" BUT NOT THE COMMONS; clearly manifesting an exceptional case, and an inchoate state of local and social affairs; a very possible condition between the conquest of Henry II. and Henry VII.: hence controverting the pleadings of Mr. Whiteside. Indeed the two words, "*sometimes*" and "*special*," used by Coke, as well as the royal rescript or writ, show the *command to be exceptional*.

SUMMARY OF THE FOREGOING ARGUMENT.

1st. That the honorary title "conqueror" was of right given to Henry II. by Coke, Hume, Lingard, Campion, and the illustrious Molyneux, proven thus:—

Adrian IV., Roman Pontiff, had given Ireland, the "Isola Sacra," to King Henry in 1156. That his lieutenants, Fitz-Stephen and Fitzgerald, two distinguished knights, were sent over in 1169 to aid Mac Dermott, King of Leinster; they landed in Waterford and occupied that district. That Richard de Clare, surnamed Strongbow, landed in Dublin in 1170, with ninety knights and their army. That these knights had, *before the visit of King Henry*, beaten all opposing enemies. That Strongbow occupied Kilkenny, and established his palatinate authority there, and probably Parliaments; residing at and building Kilkenny Castle.

2nd. That King Henry did of his free will give a *modus tinendi parliamentem in terminus*, which was never revoked or repealed. That all statutes and laws of England were given to Ireland in like manner. That all the Kings of England, from Henry II. to Henry VII., never disturbed those gifts. Lastly, that King John, knowing Ireland from long residence, did grant of his free will a Charter and Bill of Rights to Ireland, never revoked.

3rd. That from 1171 to 1485, an epoch of three hundred years, the House of Plantagenet, their judges and their jurists, left Ireland to the free development of these laws. That this induction is correct, is consonant with historical truth, and sustained on the authority of the illustrious patriot Molyneux.

SECOND EPOCH—HOUSE OF TUDOR.

From 1485 to 1688. The era of misfortune to Ireland.

The crafty and treacherous King Henry VII., one of the worst of British monarchs, sent, in the tenth year

of his reign, Sir Edward Poynings to Ireland as Lord Deputy. The character of this man was subtle and devising.

As helps to a right understanding of the precise position of Irish politics in the last epoch and the beginning of this, I beg attention to the following points as having a very important influence on Irish affairs.

1st.—The civil discontents in England, which increased to such importance as to place one half of that kingdom against the other, ultimately taking the name of the War of the Roses, involving a dynasty. The chivalrous House of Plantagenet had planted in Ireland, during a period of three hundred years, knights of the most distinguished name, gentlemen-at-arms of ancient families, and followers in a proportionate extent; these, with the rest of the immigrants, had now formed a very large population. All Yorkists were ready to take arms against the usurper.

2nd.—The civil wars in Scotland, and the incursive or border wars with England.

3rd.—The abeyance of the Parliament of England during the first period; its languid action during the second, confining itself to raising subsidies and taxes.

4th.—The utterly inoperative character of Scotch parliaments.

5th.—The foreign relations of England and her appanages—Normandy, Aquitaine, and Brittany,—distracting and absorbing the mind of England. Ireland was left to herself from the end of the 12th to the end of the 15th century. The Norman kings had made her “a generous gift”—the laws of England, on which she tried her unpractised hand, not yet accustomed to rule herself.

The statesman must weigh these important facts.

It is admitted with reluctance that parliaments were regularly held in Ireland, in one place or another, annually, during several reigns preceding the epoch of Henry VII.; and one law of particular value was passed—to prevent appeals to England. The rolls of

parliament were not printed in the form of a statute-book, and probably not preserved in remote times; hence, much latitude for misinterpretation. The ancient State Papers (rolls of parchment) have ever been wanting to Irish history.

This very serious epoch in the parliamentary history must be examined with the calm of philosophy, and bring the "Case of Ireland" into the High Court of Equity, of honor and good conscience, of truth and virtue, "even to our own hindrance." The king and the peasant, the titled family and the plebian, are on a level in such a court.

First, then, to the right interpretation of the polity of the House of Tudor. I arraign King Henry VII. What was his character? Lord Bacon named him the "Louis XI. of England." He was suspicious, avaricious, superstitious, crafty, politic. All these vices are proven; and it is only necessary to refer to Hume, Lingard, Knight (the great compiler of the histories of England), to verify the text herein. This bad man erected a mausoleum for himself with his subjects' money. Moreover, he was a usurper, the line of the Plantagenets not being extinct when he assumed the crown.

Secondly, his ministers were not chosen for their rank or learning, but for their subserviency. Empson, Dudley, and Poynings were his principal advisers. Was he loved and respected? No; he was feared. A great part of England was prostrate and ruined by the Wars of the Roses. What was the state of Ireland during the civil wars? Ireland, the Sacred Isle, the refuge for saints, the Holy Isle, as it was called, was also the refuge for the persecuted. All Ireland was Plantagenet in the 15th century; for three centuries their followers had populated districts. Aroused to arms against the Tudor, they fought, they bled, they died: four thousand in one battle were destroyed to a man. Ireland was troubled; her ecclesiastics, her knights, her gentlemen-at-arms, her merchants, were

ready to suffer for the House of York. Why? Because that House were their benefactors, her institutions their free-will offering. Ireland had, therefore, good reason for discontent—even to insurrection.

England was prostrate, her parliament at the feet of the Tudor. Full of resentment against the Irish, the king sent over, expressly to carry out his polity, Poynings, who seems to have been an acute lawyer of those days; he was made lord-deputy under the title of Sir Edward Poynings. Skilled in the manipulation of statutes, he framed one that would allay the apprehensions of the suspicious monarch, by limiting the power of the Irish parliament and controlling its power of originating bills, and subjugating them to the revision or total suppression by the Privy Councils of England and Ireland. To this end, a parliament, composed no doubt under the influence of the Crown—for so astute a partisan as Poynings would not have convened any but his own adherents, as was done subsequently by James II. It was called on to deface the Charter and Bill of Rights granted by the House of Plantagenet.

“Whereas it is enacted that all statutes *LATE* made “(during the reign of Henry VII.) within the realm “of England, concerning or belonging to the common “weal of the same, *from henceforth* be deemed good and “effectual in the law, and *over* that, be accepted, used, “and executed within the land of Ireland, in all points “and all times according to the tenor of the same. “*And if any statute or statutes* have been made within “the said land heretofore to the contrary, that they “and every of them be made void and of none effect “in the law.”

That is to say, that the statutes of Henry VII. superseded all previous ones, and abrogated the beneficial laws and charters—the gifts of the Anglo-Norman monarchy. This Act of Sir Edward Poynings was passed in a Parliament held at Drogheda in 1495. *It was a dynastic Act,—a violation of the constitution*

of Ireland, converting the kingdom into a dependency—a nationality into a province. Two hundred years later the noble Molyneux first denounced this iniquitous aggression; and one hundred years later still, the great learning and energy of Mr. Flood were displayed in 1766, explaining the character and power of the law of Sir Edward Poynings. The Act of Renunciation, passed by England in 1783, abolished the law, by renouncing the power of legislating for Ireland.

Before advancing further on this grave reflection of wrong to Ireland, I must consider who were the ministers in carrying out the new policy of the House of Tudor in both kingdoms. The nobles and high gentry of England, and even the people, accepted with regret their new master; consequently he chose two lawyers, Empson and Dudley, unprincipled men, who had abilities and a knowledge of the law; they fulfilled their mission, and got into office; but retribution at last arrived,—they were hanged at Tyburn.

For Ireland another lawyer of the same order was employed, Poynings: the notable statute was his project. Now, a monarch who selected such men for ministers, is himself an object of curiosity. He is represented by the most reliable authorities as politic, suspicious, and jealous, and above all avaricious. He was anxious to secure himself against external foes. The Roman Pontiff was at that epoch one of the most active sovereigns of Europe. Henry the Tudor determined to deprive Ireland of some of her power, that of legislation. Himself a usurper, and detested by the Irish of all races, he saw that at any moment a land “sacred” in the pontifical empire might be lost to him: for the same hand that had the power to give, had also the power to take away. It must be carried in mind by the reader that the Emperor Constantine, the grand and the munificent, had made “a gift” to the See of St. Peter of the “*Isles of the West*,” and Ireland had received St. Patrick and St. Columba as the earliest Christian missionaries from Rome. This was the deep-set motive of Henry VII.,

who was superstitious to a high degree: and it is just what Louis XI. would have done.

To sustain this argument, I must add the explanatory and declaratory enactment: "That no Parliament be holden henceforth in the said land, but at such session as the King's lieutenant and council there first do certify to the King, under the great seal of that land, the causes and considerations, and *all such acts as seemeth should pass in the same Parliament*; and such causes and considerations and *acts affirmed by the King* and his Council to be good and expedient for that land, and his license thereupon; *as well as in affirmation* of the said causes and acts, as to summon the said Parliament *under the great seal of England* had and obtained: *that done*, a Parliament to be had and holden after the form and effect afore rehearsed. And if any Parliament be holden in that land *hereafter*, contrary to the form and provision aforesaid, it be deemed *void and none effect in law*."

This is what Mr. Whiteside calls putting a *bridle in the mouth of the Irish Parliament*. His words are:—"The effect of this clause was to place a bridle in the mouth of the Irish Parliament, and subjugate alike the lord deputy, the nobles, and the commoners to the will of the King's Council in Dublin and in London."

Such is, I have no doubt, the reluctant admission of Mr. Whiteside.

What would Mr. Hallam or Mr. May say if such a stretch of prerogative had been exercised against the *British* Parliament? It was in fact to deface the liberties of England in Ireland!

And what becomes of the argument of Mr. Whiteside,—"One Law, one State, one Church?"

To sum up the points against Mr. Whiteside's pleading:—

1st.—There was no more autonomy in the social state of England and Ireland than there was between *kingdoms* of Scotland and England; and, therefore,

"one law" would in many cases be unsuitable and inoperative in the 15th century.

Poyning's (10 of Henry VII.) enacts the adoption of such statutes as were "*late made*," while he renders "*void, of none effect, those heretofore*."

What becomes of the "identity of law?"

Was the statutory history of Ireland to begin with the reign of Henry VII.?

2nd.—"One State." This implies an autonomy that did not exist, neither in language, nor race, nor unity in the several parts; Wales was disunited from England, Scotland from both, and Ireland from all. The Norman monarchs attempted an identity, by sending a Royal Prince as Viceroy to Ireland; while the legislative bodies were to some extent co-ordinate, co-existing, and national.

3rd.—"One Church." This was an impossibility, and is an impossibility.

Mr. Whiteside, not wholly content with what he has said on the value of Poyning's law, attenuates his argument by showing the exercise of prerogative; first, by going back to the feeble state of Ireland in Edward the First's reign, who ruled "by statute," *proprio motu*; and then down to Charles I., who did so by Order in Council, which he calls "*a very dangerous prerogative*"—which was not a prerogative, but a characteristic usurpation of the powers of parliament by the king. Edward I. had a sufficient excuse—the inchoate state of Irish parliaments in the thirteenth century.

REBELLION IN IRELAND.

Henry VIII. succeeded to his father, who left his son one great bequest—the murder of De la Pole, brother to the Earl of Suffolk. In due time this filial duty was quietly executed. Henry's father having hoarded up a very large sum of money, extorted from his subjects, amounting to a million and a half, his gay son soon got rid of it.

In Ireland, as might have been anticipated from my previous remarks, rebellion was ripe in the land. Families of note, and families not of note, took arms against the Tudor.

Parliaments were not much to his taste.

In England he held a parliament once in seven years, and took the revenue in gross for four years at a time. Not much could be expected from a king who set at naught all prerogatives and privileges but his own pleasure. Indeed, the influence of the Crown was absolute in the reigns of the Tudors and the Stuarts. Monasteries were confiscated, their moneys appropriated; subjects plundered; State trials, a mockery of justice; religion, the bye-word of party. A king without religion, without principle, and without honor, could scarcely do good for the great mass of his subjects. What was the consequence? Wales was in arms, Scotland in arms, Ireland in open rebellion. The Roman Pontiff, vexed and perplexed by such a king, at last anathematised him; and had a more energetic Pontiff exercised the supreme power of the Church, Henry VIII. would have lost Ireland. Wales, always disaffected to the House of Tudor, was not politically united to England till near the close of this reign. If the English parliaments did little of their own accord, the Irish parliaments did less. After the desolation caused by the dissolution of the monasteries, came an absentee-tax, dictated, according to the law of Poynings, by the Privy Councils of England and Ireland, to the parliament.

There were only two bills and two parliaments in Ireland noticeable during this long reign. The law of allegiance to Henry VIII. and his successors, instigated by the growing hostility of the Vatican. Adrian VI. died—a Pontiff of amiable virtues, but not energetic enough for the epoch; Clement VIII. succeeded. The course meditated by Henry VIII. was to break with the Roman Church—not from conviction of faith, but by *reason of his sensual appetites not being appeased by bulls*

of dispensation. Marriage, the most sacred of duties—a wife, the most tender source of our solicitude—had no place in this king's heart. Sensual desire was omnipotent,—from queen to queen he transferred his desire, as easy as a garment of fashion.

The oath of allegiance from the Irish of all races was necessary to protect the royal schismatic from the vengeance of the Vatican. The oath of allegiance was taken, but it was broken.

Another measure of importance was introduced into Ireland—an "Absentee-tax," with an inexorable sequestration. The philosophic reader might well be surprised at this act. *The mind* of the monarch is the key to its interpretation: he had personal resentment to satisfy. The ever memorable conduct of the king to Reginald Pole, the Countess of Salisbury, and other personages of the purest character, unmixed fidelity, and the noblest blood, is a lesson too grave to be forgotten, too true not to be taken as the key to the closet of the mind of the king. It was at this period that the celebrated epigram was made by a keen-witted diplomatist—"That those who were against the Pope "were burned, and those who were for him were "hanged."

The "Absentee-tax," *per se*, was excellent; a *resident* proprietary, high and low, is like "marrow to the "bones"—consonant with "the wealth of nations"—consonant with the high morality of good example. Economists, indeed! The apologists for political corruption.

Parliamentary history becomes useless and insipid, when it only records the subserviency of the estates of the realm to the King.

TUDORS.—EDWARD VI.

The unity of the visible Church had been broken, and the Temple of Discord opened by the violence and bigotry of the author of the Six Dogmas. The

schismatic king left to his young and feeble successor the germ of complicated calamities. The young prince did not live long.

The Lords, Commons, and Courts of Law, creeping and obsequious to King Henry VIII., now passed several statutes affecting ecclesiastical discipline. The usurpation by the Duke of Somerset of the royal power was of itself a flagrant instance of the inability of the parliament of England to save the realm—a mark of its impotency when opposed to royal prerogative.

Henry VII., Henry VIII., Protector Somerset, and Mary, dictated to their houses of parliament a proclamation that was equal to a statute. It is requisite to carry in mind that, from the accession of the House of Tudor, the Irish parliaments were mere instruments in the hands of power for good or for evil; their action was wholly paralyzed.

"Freedom," says the historian Hume, "was again restored to the constitution, by recurring to the legislation of Edward III., the Norman."

1. All laws were repealed, *extending the crime of treason, subsequent to the 25th of Edward III.*

2. Henry the Eighth's felony laws were repealed.

3. The Statute of the Six Articles.

4. The law against heresy.

5. The repeal of the Royal Proclamation, an Act by which the king's will was made equal to an Act of Parliament.

These measures were honorable to the Duke of Somerset, who usurped the royal authority so far to the benefit of England.

Mr. Whiteside dismisses the reign of Edward VI. in these words: "During the reign of Edward VI. no parliament sat in Ireland."

What use was a parliament, when the king could rule by proclamation?

If the remark have any value, it is that it shows the unconstitutional system pursued in that country, which *was no better* than a despotic rule, dated the 10 of Henry VII.

There is indeed no Molyneux, no Flood, to answer the imputation that follows:—"No parliaments had been held for a period of thirteen years, which sufficiently proves of how little importance that assembly was felt to be in the kingdom," says Mr. Whiteside. I answer with certainty, that the calamities, the degradation, and disunion of Ireland, arose from the fact of a want of a regular *local legislation*, of which she was circumvented by the Tudor.

No country can flourish without a *resident proprietary* and *local free institutions*.

They may be *abused, misdirected*, and corrupted; but these are exceptions, and arise from bad governors—never from the people.

What was the state of the English and Scotch parliaments from the thirteenth to the sixteenth century? Mere council chambers, at the royal bidding and pleasure!

It is easy for Mr. Whiteside to make out a case against Irish parliaments, but it is one not founded upon sound principles of equity and justice.

I have quoted the six great beneficial measures of the reign of Edward VI., because they were of the first importance, not to England only, but to Ireland.

MARY TUDOR.

A reign of persecution, bigotry, and passion; a substitution of despotic power for free exercise of constitutional rights; compulsive belief for free will; pharasaic semblance for Samaritan simplicity!

Fortunately, in the nineteenth century every one can enjoy his belief without disturbance.

The laws of Mary were extended to Ireland, and the parliament of the nation had to adopt or re-enact them, as might be the will of the Sovereign and her Star Chamber. The number of Protestants were but few in Ireland up to this reign; it was *after* it the great influx of settlers arrived. Many of the rich Protestants fled

to Holland; the less opulent anywhere. Ireland was in fact, at that date as previously, a Roman Catholic country.

I make these remarks to oppose the impressions derived from Mr. Whiteside's lecture on this subject. Mr. Whiteside has but lightly touched on the short, yet vindictive reign of Mary Tudor, though none of her family were more grasping for prerogative, and more desirous to combine tyranny with persecution.

There is one Act of Parliament above all others in this reign that ought to arrest the attention of Irishmen, and ought to impress them with the certain fact, that the presiding idea, from Henry the Seventh's accession to the close of the reign of the House of Tudor, was the oppression of Ireland,—to place her under the supervision of the Star Chamber.


The Act of Phillip and Mary was enacted, called the Declaratory Law, explaining 10 of Henry VII., Poyning's Statute. This declaration was to make more positive the purview of the statute, and perfect the subjugation designed against both Catholics and Protestants.

That Irishmen may know it, I will print it *in extenso* hereafter.

ELIZABETH.

The Reformation and Confiscation.

Elizabeth was the illegitimate daughter of Henry the Eighth, by Anne Boleyn, born in 1533, and was called to the throne in her twenty-fifth year, therefore beyond the age of girlhood,—the reverse of which I find in the "Lecture." Clement VIII. did not grant a dispensation, nor did Cardinal Campeggio, the Pope's Legate, think himself justified in countenancing the dissolution of the previous marriage with Catherine of Arragon.

The reign of Elizabeth is so familiar to every one, in poetry and dramatic verse, in history and romance, that  is quite a choice of portraits for the student of *English History*. I think Miss Stricklands the best portrait

of this queen; Wright's State Papers in reference to Ireland and the Statute Book the best authorities. Von Raumer's Critical Notes on English History, taken from State Papers found in the British Museum, always lead to a just appreciation of events.

No sooner was Elizabeth installed, than she demanded of the Parliament a High Court of Commission nominated at her will. That is to say, a far greater unconstitutional power than even her father exercised by proclamation. This was a despotism never before assumed; and it is agreed that "*the end justified the means*"—the unctious compliment ever ready on such occasions.

The first act of the High Commission was to establish the Reformed Church paramount in the kingdoms of England and Ireland. This was easily effected in the former at the expense of conscience; but in Ireland it was quite another affair. Archbishops and bishops of learning were sent by the queen: Usher, Loftus, Leslie, Browne, Bedel, and many other eminent men, enumerated by Bishop Mant in his "Church History in Ireland," but there was one insurmountable barrier—*language* to convey the instructions.

For nine centuries the Celtic Irish had been accustomed to hear the mass in the Latin tongue, and they had some account of the Latin Church; but of the Reformation they knew nothing.

The English flocked in numbers to this new settlement, where land was without value, and confiscations general. Protestants of all shades and degrees, from the soldier to the merchant; the favorites of the Court, from Hatton and Raleigh to Spencer; all had extensive grants from the Shannon to the Blackwater, thence eastward to the Slaney.

THE GREAT CHIEFTAINS.

The Earl of Tyrone and the Earl of Desmond in the reign of Elizabeth.

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THE GREAT CHIEFTAINS.

The Earl of Tyrone and the Earl of Desmond in the reign of Elizabeth.

Mr. Whiteside says:—"The instant the Irish chiefs

“felt no longer the firm hand of ‘Harry,’ and found a “girl upon the throne, they revolted. Plots, conspiracies, rebellions, wars, confiscations, followed each other in regular succession.” And lower down he adds:—“In Ireland the statutes of Queen Mary were reversed, the statutes of King Henry were restored, the Protestant religion was established, and the Protestant worship confirmed.”

It is first necessary to recollect Elizabeth was no “girl,” but a full-grown woman, with matured plan in hand, most likely by her Secretary Walsingham. It was this:—

1. A Parliament perfectly obedient.
2. A High Court of Commission—“a Star Chamber,” with increased numbers and power.
3. An Ecclesiastical Commission composed of forty bishops of the Queen’s nomination, three of whom would make a quorum.

These unconstitutional powers were placed in her hands *above* the authority of Parliament.

Both Houses of Parliament were at her disposal; they were convened seldom, and then to register rather than debate the mandates of the Queen.

She had two principal objects,—the spread of the Reformation, and the subjugation of Ireland. The first of these projects was to be carried out by Ecclesiastical Commission, which was called the Protestant Inquisition from the severity of its supervision. The Statute of Uniformity was the first compulsory measure—to carry it out was the difficulty. The second was the overthrow of two great chieftains. Shane O’Neil, Earl of Tyrone, but in fact King of Ireland, who rose in arms to repel the new invaders. Lords-deputy were sent in succession against this great chieftain, and failed. Armies under chosen officers were sent to the North, but their march was a picture of desolation; they were defeated, not by foes, but by impassable obstacles. Mr. Wright has printed the *reports of Sir Henry Sidney and the Earl of Essex.*

Shane O'Neil, though unconquerable by the sword of Elizabeth, could be vanquished by the power of the "Star Chamber" (or High Court of Commission, as it was called from its enlarged authority). By an Act of Attainder he was deposed and his estates confiscated to the Crown.

Sir John Norris and Sir Anthony St. Ledger carried out the policy of Elizabeth in Munster.

The great Earl of Desmond, the sixteenth earl, the most magnanimous of his name, was tracked from place to place, his followers destroyed, and he himself watched from point to point, till at last he was taken, beheaded on the spot, and his head sent to Dublin Castle! Such was the end of those great chieftains, whose characters are unblemished; equally devoted and uncompromising, they died as they lived, an example to Irishmen.

When Queen Elizabeth commanded parliaments in Ireland, they were simply to carry out her scheme of civil government; and this is equally true, whether in the time of Sir Henry Sidney, the Earl of Essex, or the Earl of Sussex; the Reformation and confiscations on the largest possible scale were the object.

SUMMARY.

In a reign so long and important as that of Elizabeth, extending over a period of thirty-three years, it will be useful to place the principal points in reference to Ireland boldly in relief.

1st.—Her chief object was to lay prostrate the Celtic Irish and the Norman Catholic; to extirpate these two races would have been welcomed as a stroke of high policy. A greater military force was employed for this object alone than was sent to aid the Huguenots of France, or to assist the Prince of Orange in the Netherlands. Sir Henry Sidney, the Earls of Ormonde, Essex, and Sussex, Sir John Norris, Sir Anthony St. Ledger, Sir Thomas Bagwell, and Lord Mountjoy, were successively employed. Of all these, but two

approached the end in view, Sir Thomas Bagwell and Lord Mountjoy. The nation was prostrated, but not conquered; it was occupied, but not subdued.

2nd.—The Reformation at any price. For this an Act of Uniformity was introduced, which compelled the conscience to accept what it did not understand.

3rd.—Sequestrations of religious domains, confiscations of the two provinces, Ulster and Munster.

4th.—The general instruction of the English language, to which the Celtic nation had a great antipathy.

5th.—The rigid application of Poyning's Law, and the declaratory one of Philip and Mary imposed against Irish parliaments.

6th.—In a period of thirty-three years, Elizabeth convened four parliaments in Ireland, and seven in England, all mandatory and all subservient.

HOUSE OF STUART.

James the First. 1603.

A comparative calm succeeded to the terrific tempests that disturbed the political atmosphere during the reign of the House of Tudor.

Elizabeth having devastated two provinces, inhabited chiefly by Celtic populations, she left to her successor the duty of planting them. Ulster was undertaken with success; Munster, Mr. Payne, as well as Spencer, have left us some account of. It was not the conquest of Ireland that queen achieved, it was the spoliation of two provinces out of four, into which Ireland was divided.

Parliamentary history must be barren, if not lifeless, where freedom of action was controlled by a Star Chamber and Privy Council. Legislation in Ireland had long been interdicted, except by command. It is unjust, as well as unpatriotic, to attribute faults and incapacities to Ireland, when she had been chained and fettered by oppressive laws made against her will—

without her consent—against which she constantly urged in vain her legislative rights granted by King John.

The parliaments of England were, after all, little better, up to this reign, for independent legislative action; and the States-General of Scotland discussed and legislated with the claymore ever ready to decide a difficulty.

To Ireland the accession of James I., though a prince of small personal importance, was of great benefit. Elizabeth left, in 1603, the whole province of Ulster, as Zennacharib did the green valleys of Syria—a desert.

James the First was therefore far better for Ireland than his predecessor. He planted, he cultivated, he peopled, he legislated—he restored Ulster. From ruin arose order; from misery, comfort; from stagnant life, commerce. His scheme of colonization of Ulster was that of wisdom; his legislation not oppressive, yet not free: he did not repeal the obnoxious law of Poynings, nor alter the declaratory law of Phillip and Mary; he did not blot out of the statute book the Act of Uniformity. If he did not alleviate the Irish of the burdens of the House of Tudor, he did not aggravate any.

The king's policy for the plantation of Ulster was far more regular than that of Munster, attempted by Elizabeth. Colonists were sent from London and Scotland in large numbers, with tenures, grants secured by the Crown on moderate conditions; and Ulster soon after became the birth-place of social happiness, prosperity, and youthful civilization.

The Earl of Salisbury, the First Minister of the Crown, invented a system of finance which has not been despised by later times; the creation of a new minor sort of peerage, called a baronet, which was the origin of the Ulster Peerage of Ireland.

Mr. Whiteside, who throughout his lecture feels the advantage of addressing an audience quite passive and unmoved, on a matter of parliamentary history of which *they could form an imperfect opinion; unmoved*

by any *national* sentiment, they would not, if they could, controvert a single point. Mr. Whiteside, with a confidence in the present, comes forth with an air of superiority to lay down his law, and supports it with tessellated fragments from different authors. He now apostrophises the spirit of Sir John Davis, knight, a judge of assize, and yet Speaker of the Irish House of Commons in 1608.

In the usual complimentary tone and language of a Speaker chosen by the Government, he thus addresses the assembly, composed of 250 members, Roman Catholics and Protestants:—

“And now, by way of comparison, it may easily appear unto your lordship how much this first Parliament, now begun under the blessed government of our most gracious King James, is like to excel all former Parliaments, as well in respect of the cause and time of calling it, as of the persons that are called unto it. For this Parliament (God be blessed!) is not called to repel an invasion, or to suppress a rebellion, or to reduce degenerate subjects to their obedience. It is not summoned to pass private bills only, or to serve private towns, or for any special service for the Crown: though such have been the occasions and causes of calling the most part of *the former Parliaments*. But now, since God hath blessed the whole island with an universal peace and obedience, together with plenty, civility, and other felicitations, more than it has enjoyed in any former age, this general council of the whole realm is called now principally to confirm and establish these blessings unto us, and to make them perpetual to our posterities.” Again: “It is not called in such a time as when the four shires of the pale only did send their barons, knights, and burgesses to the Parliament; when they alone took upon them to make laws to bind the whole kingdom, neglecting to call the subjects residing in other parts of the realm unto them, as *appeareth by that Parliament holden by Viscount*

“ Gormanston ; which Sir Edward Poynings, in the tenth year of King Henry VII., caused to be utterly repealed, and the acts thereof made void ; chiefly for that the summons of Parliament went forth to the four shires of the pale only, and not unto all the rest of the counties.

“ But it is called in such a time, when all Ulster and Connaught, as well as Leinster and Munster, have voices in Parliament by their knights and burgesses ; when all the inhabitants of the kingdom, English of blood, the new British colony and the old Irish natives, do all meet together, to make laws for the common good of themselves and their posterities.

“ Lastly : this Parliament is called in such a time when all the Lords Spiritual and Temporal do acknowledge the King of England to be their undoubted patron. In a word, Sir Edward Poynings, in the time of King Henry VII., and Lionel, Duke of Clarence, in Edward the Third’s time, if they could have seen but half such an assembly in their Parliaments, would have thought themselves happy and highly honoured ; and yet those Parliaments, holden by them, are the most famous Parliaments that have been formerly holden in this kingdom.”

Disposed as I am to give the most frank interpretation to the benevolent wishes and just expression of praise to the intentions of James I., I must be allowed to apply the admissions of Sir John Davis in favour of Ireland and Irishmen. He avers, that this present Parliament of Ireland was superior to all former ones, because it represented all the races inhabiting the island, and BOTH CREEDS. He admits the advantage of a varied and numerous representative body over a single race and few ; he admits the advantages of a common interest in the affairs of the island—and this can never be attained but by a most ample representation, all taxpayers to have the right to vote. He admits that Viscount Gormanston, Lord-deputy, had not an adequate *Parliament in number* ; that Sir Edward Poynings had

not one ; and that the same reason extends back so far as Edward III. So far so good ; but Sir John Davis, excellent man, forgets that during those three eras the Celtic lords and proprietors did not know the *English* language, nor did not care to know it ; that the Parliament spoke in English ; that the statutes were in Norman French, or Latin, all that period. He admits, however, with a candid and generous nature, that in *nine years* of the reign of King James I. more good was achieved for Ireland than in *four hundred years* previously ! These, on the whole, are great admissions ; and he crowns all these benefits by stating the absolute necessity of an ABSENTEE TAX, or the FORFEITURE OF THE LAND.

The persecution laws of Phillip and Mary were repealed, and Ireland was allowed to go forward.

During the reign of James I. Sir John Davis occupied two offices successively—a Justice of Assize for Tyrone and Tyrconnel, and Speaker of the Irish House of Commons. In 1610 to 1614 the duty of Justice of Assize was slight, and the legal learning necessary just as much as might be possessed by an ordinary magistrate of the present day. His opinion on the binding statute of Poynings could be of no value, except as to the immediate effect ; it was a narcotic—it left in repose the parliaments of Ireland.

Sir John Davis never traces back its origin, he never traces forward its embarrassments ; he refers to Agricola, as if the Roman law had a place in the statute book ; he contrasts, but it is only that he may more generously praise the reign of James his master. Amiable and virtuous man, no doubt, who loved to see the then prosperity of Ireland. Such a man could not understand the deep and far-reaching policy of Poynings, no more than he could fathom the profound thought of Machiavelli.

Mr. Whiteside closes his eulogy by quoting the *maxim* of Bacon—"That learned princes govern wisely." *Bacon is a sad instance of how little value "wisdom"*

is, compared with *principle and honesty*! The English parliament did not think so; nor did Sir Edward Coke.

Mr. Whiteside continues:—"Before we quit the reign of James I., we must notice our old friend Poynings and his law. King James having settled the constitution of Parliament in Ireland, and wishing to conform to law, and at the same time to be advised as to the manner by which, under Poynings's Law, parliaments were to be holden and managed in Ireland, consulted his judges, and was advised by them, as reported by Lord Coke in the 12th part of his Reports, in a case called 'Parliaments in Ireland.' It was resolved, That the causes and acts transmitted hither under the Great Seal of Ireland, ought to be kept here in the Chancery of England, and not be remanded. Second, if they be affirmed, they ought to be transcribed under the Great Seal of England, and returned into Ireland; and all that which passes the Great Seal ought to be enrolled here in Chancery. *That if the Acts sent over be in any part altered or changed here, the Act so altered or changed ought forthwith to be returned under the Great Seal of England; but the transcript under the Great Seal of Ireland, which remains in the Chancery here, shall not be amended; but the amendment shall be under the Great Seal of England, so as returned into Ireland without any signification or certification of their allowance by that in Ireland; so that the amendments and alterations made here in England, and all the Acts which are affirmed or altered, are returned under the Great Seal of England.*"

Mr. Whiteside adds:—"Thus stood the parliamentary constitution of Ireland until 1782, being as unlike the free parliamentary constitution of England, as any two systems of government could well be constructed." These are the words of the learned pleader, who started with the dictum that "One Law, one State, and one Church," was the single aim of the English monarchy. Here we have two short para-

graphs at variance with his assertion. And how is it that the opposite system has arisen? Clearly by the statute of Sir Edward Poynings! Mr. Whiteside loosely cites the 12th Report of Lord Coke, as explaining the statute of Poynings, as interpreted by the judges in the time of James I.; and then follows the explanation, if such it can be called, of involutions, amendments, affirmations, certificates, great seals, &c., of power and of nullity, of all conceivable hinderances and delays to free legislation in Ireland. But Mr. Whiteside's second paragraph boldly overturns his own argument for unity of Law, State, and Church. Such was the constitution of the Irish parliament in the reign of King James I.

We must accept with diffidence and hesitation the first paragraph, particularly the following words:—That King James “consulted his judges how parliaments should be holden and managed in Ireland.” Now, who were those judges? The words are not Coke's, but Mr. Whiteside's. Sir Edward Coke was dismissed his office by King James in 1610, and was imprisoned in 1616, and he took an active part against the king in 1621. In fact, the king was at open war with his parliament and his legal advisers, all but Bacon. Was it this *honest* ex-Chancellor advised the King as to the interpretation of the 10 Henry VII.? It has quite the impress of the man—deep, tortuous, and subtle.

The changeable Sir Edward Coke was only three years Lord Chief Justice of the King's Bench; of ardent temperament, then of liberal opinions, and *then* strongly against royal prerogative; could not have advised such a course against Ireland, since he, Pym, and Selden were the principal men who signed the Petition of Rights in the subsequent reign. King James probably consulted no judges; he left the statute of Poynings just as he found it, which was the *real cause of anarchy* and discord in the Councils and Parliaments between the two kingdoms from 1495 to 1795;—“*THE BRIDLE IN THE MOUTH OF THE IRISH PARLIAMENT,*” as Mr. Whiteside unwittingly explains it.

REFLECTIONS

On the Parliamentary Constitution of Ireland of 1171, and the Statute of Sir Edward Poynings, 1495.

In a matter so interesting to the honor, national feeling, and dignity of Ireland, no statement should be taken for granted that is not proven, nor none accepted that is not a fair induction from the political and social condition of the era.

Mr. Whiteside puts forward ostentatiously the theory —“One Law, one State, one Church,” were the fundamental principles of the English polity. I have now reviewed a period of five centuries of the constitutional history of Ireland, and I have not been able to trace any such autonomy in the kingdoms of England and Ireland; and in the remaining two centuries we shall find they are in conflict. Every institution must have a beginning, and parliaments must have their infancy. The year after the Norman invasion of Ireland, Henry the Second, after a short visit to his new conquest, sent the rescript of the “*Modus tenendi parliamentum*,” as a base whereon to construct a solid government; and it is equally a matter of history, that he presented the statutes and common laws of England at the same epoch, 1171. Where, then, was the constituent body to be found? The knights, gentlemen, and burgesses formed that body. The term parliament is not significant of any number; it is significant of free discussion: this was undoubtedly the base of the parliamentary constitution of Ireland. It is true that statutes and laws are made for a people, and not a people for statutes; and therefore many of these laws were inoperative for a long time. At first the Celts preferred the Celtic code. What was the character of Henry II.? He was neither oppressive nor designing. In the frank and loyal portrait of Geraldus Cambrensis, we have a king chivalrous, abstinent, and generous; at once the courteous gentleman and the gallant knight. His fifth

son John, long the Viceroy of Ireland, completed what his father had begun. He gave a Charter and Bill of Rights to Ireland; not as extorted from him at Runnymede, but as a "free gift" to the Irish nation. Here, then, was the perfecting of the parliamentary constitution of Ireland in the reign of Henry III.

The introduction of useful statutes from England was a necessary consequence; but neither "*modus*" nor "*charter*" would have been granted, had it not been a fixed idea that a *separate Parliament* was essential to Ireland; and this fixed idea was carried down through successive reigns, when it would have been easy to annul the "*modus*" and "*charter*;" and this was not done, even by Poynings, whose master Henry VII. had every reason to enforce it. We have then a Parliament formally and solemnly constituted by royal authority. Why that Irish Parliament was not more constantly convened, is quite a distinct question.

The statute of Sir Edward Poynings has always been a stumbling block, and a rock of offence to Ireland, since it perverted those very gifts and concessions. There could be no Parliament without free discussion and free action: none was accorded. What was the effect produced by this statute? To increase the prerogative of the Crown. Henry VII., in the third year of his reign, reconstructed on more powerful proportions the "*Camera Stellata*" or Star Chamber, in addition to the "*Conseleum ordinarium Regni*" of the king. The next step was to place Ireland under control of a statute.

It therefore cannot be said with historical truth that King James I. created the parliamentary constitution in Ireland; he enlarged and developed its functions only, and for which every Irishman will give a grateful expression to the king, no less than to his faithful servant, Sir John Davis.

Neither can it be said, with historical truth, that Queen Elizabeth made the conquest of Ireland. She, *indeed*, enlarged the conquest in a manner by no means

to be approved. There are apologists for every wrong and every mal-administration in Ireland; no country wants *faithful* and *fearless* historians more; sycophants and panderers there must be in every country open to corruption, as Ireland has been for four centuries at least.

The history of the statute called that of Sir Edward Poynings, may be thus related with probably an approach to truth and historical accuracy. King Henry VII., from his accession to the throne of England, had reports forwarded him as to the state of Ireland, the number of the adherents to the House of York, and the supporters of Walbeck. The incessant reports of disaffection from the Lords-deputy, and particularly of Archbishop Fitz-Simon, induced the king to meditate a decisive blow. The Anglo-Irish lords were, in fact, the origin—"the head and front"—of the "*lèse-Majesté*" now rife.

Certain Anglo-Irish lords were to-day traitors to their liege lord the king, and to-morrow traitors to their country; no oath could bind, no fear intimidate them. They had their own ill-gotten domains,—their rapacity drove them to crave that of the ancient Celts. These lords returned to the House of Commons those whom they liked, and who were obsequious to their orders: a circumstance that *invariably* occurs when the oligarchy prevails over the other estates. It was an oligarchy that prevailed after Runnymede; it was an oligarchy that prevailed in the reign of Henry III.; and may be said always to prevail in England.

After ten years of meditation, Henry sent Sir Edward Poynings with an armed force to reconstitute, if not to extinguish, the Irish House of Commons; and from the 10 of Henry VII. its growing strength was so completely checked, that it may be said to have languished rather than to show any vital energy. Why it was not extinguished altogether is not explained; but the disability was continued after the disease had been cured; it was the thorn in the side, the ulcer on the heart of *the nation*.

Generations after, the first intellects of Ireland were engaged to struggle against this national grievance to Ireland. Before closing these reflections, I must notice Mr. Whiteside's omission of any mention of the English and Scotch parliaments. Countries and constitutions are better understood by contrasts.

THE ENGLISH HOUSE OF COMMONS.

From 1216 to 1641.

A glance at so large and important a subject as the above, is no more than I am enabled to do in reply to Mr. Whiteside's second paragraph above cited.

From the Norman Conquest to the close of that dynasty, the Commons of England was of the most limited character; the rules and privileges of the House were few, arising out of the condition of society before and after that conquest, England being of very limited extent, and not exceeding three millions in population. The counties, cities, and seaports sent but an unimportant body, assembled by royal mandate, usually in annual parliaments. These assemblies were very irregular, depending on internal and external politics. Edward III., indeed, had passed a statute for annual parliaments, which, however excellent and necessary, was seldom exercised after his reign. It must be carried in mind that legislative power in the earliest time rested with the king and "*Commune Concilium Regni*," afterwards "*Curia Regis*"—lastly parliament. The baronial assemblies preceded the Commons, who, indeed, were not assembled till the reign of Henry III.

"Magna Charta" sounds well, but in reality the great barons alone profited by it, till the minority of the young Prince Henry; when the Lord Protector, Earl of Pembroke, carried into practice the provisions of the Bill of Rights of King John.

Under the Tudors and Stuarts the meetings of parliament were most irregular,—four, seven, or any

number of years at the pleasure of the Crown ; and the privileges of parliament, if they can be so called, were dead and useless before Prerogative, a Star Chamber, and High Commission Court.

The union of Scotland and Wales added to the representatives, but privileges and freedom were of slow advance. What was the state of the English parliament in 1641? The Long Parliament, the Remonstrance, the second Bill of Rights, with sequel of events, form an answer to the question.

The liberties of England, and consequently of the empire, were secured by the greatness of intellect, the dauntless courage, and, above all, firmness of character of Pym, Selden, Hampden, Vane, and St. John,—the true expression of the freedom of the Commonwealth, and the foundation of the present power of the House of Commons of England.

No one can turn over the eloquent pages of Godwin without tracing out the grandeur of the political figures of Pym and Hampden, Vane and St. John, as the creators of liberty, and the assertors of the privileges of the Commons, and to whom statues would rightly be erected, instead of to such men as Hyde, who first signed the indictment against Charles, and then wrote his Apology.

We have seen, by the preceding paragraph, that Anglo-Norman barons formed the earliest legislative body under the king, and that a Commons' house was not assembled till the reign of Henry III. That the term parliament was then introduced. That "the king's pleasure" was the time of meeting, till the statute of Edward III., which fixed the annual parliaments.

What now is the value of the argument derived from the Institute of Sir Edward Coke, or the speech of Sir John Davis, as to the lapse of *one hundred and forty years* between the granting of a "*modus*" and the holding of parliaments in Ireland?

In contrast, Mr. Whiteside observes, in bold language

—having cited the latest interpretation of Poyning's Law in the time of King James I.—he says, "Thus stood the parliamentary constitution of Ireland until 1782; being as unlike the *free parliamentary constitution of England* as any two systems of government could well be constructed."

Where are we to find that difference?

The *modus* was the same in both kingdoms. There were two Houses: the barons, or great lords, the upper; the burgesses and gentlemen, the lower. The numbers varied from one hundred members in the reign of Edward II. to three hundred in James I.—composed of Roman Catholics in the first, and mixed Protestants and Catholics in the second period. There was a Speaker to the lower, and a Chancellor to the upper House. Both were convoked by authority.

The rules and observances of the English parliament were transferred to the Irish parliament. They originated bills without reference to England up to the reign of Henry VII. The barons of England were much the same unruly masters of the situation as they were in Ireland.

The analysis of both parliamentary constitutions being alike, if not perfectly identical, during the Anglo-Norman period, in what consisted the difference? The introduction of the statute of Sir Edward Poyning's in 1495. In this consisted the difference which Mr. White-side puts forward with an air of reproach to Ireland.

The analysis presents very much the same characteristics in both from Henry III. to Henry VII.

The barons, great and small, held sway in England; the knights baronial did so in Ireland. The convocations of a House of Commons did not take place in England before Henry III.; the "Rights" of Englishmen commoners were not practically recognised before. The House of Commons in Ireland was certainly convoked in the reign of Edward II. The proprietary in both kingdoms formed the parliaments. In what, then,

was the difference? The controlling statute of Sir Edward Poynings—here was the humiliation of Ireland. A barrier was henceforth placed on her action, except by rebellions, insurrections, or revolutions.

Before putting aside the diluted pages of Mr. White-side, I must draw two terrible pictures of this Tudor polity.

Sir Edward Poynings was a man of abilities, sagacity, and depth of polity; he was accompanied to Ireland by jurists of learning; he was at the head of a chosen band of soldiers; he had known of the defection of the Earl of Kildare and the Princes of Ulster. This modern Festus assembled his guards, his attendants, and followers, shortly after his arrival in Ireland, and marched against the insurgent princes of the north. In this dreary and unknown district, at each march he met a foe; each day a new obstacle; each month a sadder hope—a more distant victory. Like the Parthian and Median enemies of the Roman legions, the Celtic foemen receded and receded before the compact band. The mountains, the roads, the fastnesses, formed frontiers and fortifications not to be surmounted. Baffled and perplexed, the modern Festus laid siege to the castle of O'Neil, took it, burnt, destroyed, and laid in pitiless waste the territories of the northern chieftain; and at last, when death, affliction, and desolation had laid prostrate the land, it was on his return from intestine war that he halted at Drogheda, and convoked a parliament to subjugate by statute a country he could not by the *sword*. The 10 of Henry VII. was that statute.

Nearly two hundred years later we find Wentworth, Earl of Strafford, taking advantage of this statute, under cover of which to illuminate the torch of discord, to put the Protestants against the Catholics: one of the sad episodes in the history of Ireland, the result of maladministration from 1490 to the Union.

CHARLES I.

Vice-royalties of Wentworth and Ormonde.

I consider the seventh chapter of Mr. Whiteside's Lecture exhibits the object, tendency, and opinions of the learned member as transparently as any other part of the book. He seemingly addresses himself to what is designated a Christian Association, to a legal dissertation on law and politics, without reference to those higher and better duties of such an association. Such political instruction, or political ethics, might have done for the days of Charles I., but certainly not for the present. We never can substitute vice for virtue, or the converse of what is just and equitable without danger of inculcating, *for prejudice sake, a vicious appreciation of character* of public men, who have had the means of doing much good or much evil in their lifetime. I mean this sentiment as applicable to the right reading of kings or queens, lords or commoners,—they all are equal before the judgment-seat of Providence; and why should a man of yesterday presume to do otherwise.

Of the many historians of England, none have removed from Charles I. the stain of deception, treachery, breach of faith with his people, his parliament, his friends, and his foes, equally and all alike,—for the sole object of exercising a pernicious and arrogant prerogative by a vacillating and incapable man. Charles I. was not “unfortunate,” but he made all his subjects unhappy in the three kingdoms during the Civil Wars caused by him. Nor could a host of unscrupulous and scurrilous Cokes, time-serving and prerogative-serving Hales, or furious Jeffreys defend such monarchs.

The ingenuous and resplendent genius of Godwin, the philosophic impartiality of Hume, the accurate *Hallam and Day*, the instructive history of Knight, *all direct to a right and rational way of estimating*

politicians, high and low, and the philosophy of events that have transpired in England, and by *consequence inevitable* in Ireland.

Mr. Whiteside turns to his audience, and says, (p. 61),—"The first statute passed in Ireland was in 1634, in a session which ended in July, 1634. Thus we again perceive how many years elapse without the assembling of a parliament in Ireland." Whose fault, aye, neglect, is this? Not the people of Ireland, nor their members, but the administrators. The assembling of parliament is a prerogative of the Crown; the neglect was with the King or his Viceroy. Neither required parliaments, their projects were of another stamp. Wentworth had to raise and organise an army for his master. The lecturer continues,—“The statutes passed in this session, 1634, were nearly all transcripts of useful English statutes, which had long previously been law in England, and were tardily introduced into Ireland.”

These and subsequent observations clearly and emphatically inculcate the English administrators in Ireland who tardily and neglectfully performed their duty. Had the Irish parliament been convened by the Crown in 1626, those laws would have been adopted ten years earlier. But the learned lecturer convicts himself in the following page, 64. He says, as the apologist of the king:—"He conceived a *repugnance* to these troublesome *assemblies*, and *tried* to govern without *them*; with what result—after an omission to call parliaments for SIXTEEN YEARS—we know *full well*." Such is the apology of a lawyer and a member of parliament for most unconstitutional conduct; by a lawyer who turns on his own country's parliaments on all occasions, as we shall see below, either for the composition of the members, the duration of the parliaments, or their nullity as a legislative body. No Irishman can defend Wentworth, Earl of Strafford. His rule was odious and despotic without parallel; his only object was to raise an army in Ireland, an army to in-

vade England and assist the king. No amount of abilities, had he possessed them, can excuse or palliate his rule in Ireland, which caused one of the most direful intestine wars throughout the land. To be an apologist for Wentworth, Earl of Strafford, would be the approver of the very worst form of government—cruel despotism. Mr. Whiteside, indeed, in a tone of, I suppose, playful irony, tells his Christian brethren seated beneath his rostrum: “It has been asserted by some “ ‘that he ruled Ireland with a rod of iron,’ the meaning “ of which seems to have been that he made the Lords “ and Commons tremble in his presence.” It is the first time I have read the imputation of want of courage in the gentry of Ireland; I thought they were generally supposed too ready to fight, even to the proverb, “Pistols and coffee for two Irish gentlemen in the next “ room.” He then adds,—“The Lord Deputy was at “ times insolent, offensive, overbearing, and despotic.” Such was the governor of Ireland praised for his capacity for government as of the highest order. A more unfitting expression could not be used, or one more derogatory of all good principles, moral and social. It was to this despotic man the Duke of Ormonde succeeded, who took command of the forces levied for the invasion of England.

The study of the following books would much improve Mr. Whiteside’s knowledge of political jurisprudence and criminal state trials:—“Jardine’s Criminal “ Trials,” “Hawle’s Observations on State Trials.” The eminent Solicitor-General Hawles, as well as Jardine, are worth a dozen Cokes for integrity of political character; Godwin also is a mine of genius and principle.

I have to offer a world of apologies for presenting to the consideration of the learned member for the University of Dublin these books.

To pursue: Mr. Whiteside says, with a sneer:—“The “ Irish Parliament, copying the example set by the great “ *parliamentary* agitators of England,”—Selden, Pym, St. John, Vane, and Hampden, for these were the

great leaders at the time the learned lecturer is just speaking of; "agitators," a term applied to a fraction of the House of Commons at a later period—"prepared a list of grievances, and in order to ascertain whether the practices which they asserted to prevail were in accordance with the constitution, drew up twenty-one queries, which were, by order of the Commons, and in their name, presented to the House of Lords of Ireland, with a request that they should be submitted to the Irish judges for their consideration and formal reply. The lords, and as desired, the Irish judges, very reluctantly, in May, 1641, sent in their cautious and elaborate replies. The answers of the judges were not relished; the Commons desired a conference, and appointed a Mr. Patrick Darcy, a lawyer of their body, to manage the conference on their part; he did so with signal ability, dissecting the judges, or rather their arguments, exposed their logic, denied their law, and proved clearly enough how imperfectly an Irish parliament had succeeded in fixing constitutional liberty in this kingdom." No reflecting mind can read the above without considering it a most serious imputation on the competence of the Houses of Parliament and the judges of the land, without a particle of evidence, either as to the unconstitutional character of the grievances, the queries to the judges, or their "cautious and elaborate replies." Far from the incompetency of the parliament of Ireland being proved, their wisdom is signally marked by the course taken; nor is it logical to state that Mr. Patrick Darcy, the conductor of the conference *named by the Commons*, was right, and the Irish judges wrong, and the parliament wrong also. But in the absence of any proof to the contrary, I will assert the Commons were right and strictly constitutional in the two points above.

"The celebrated Chief Justice of Ireland," one of the judges consulted, is not named by Mr. Whiteside; nor "the profound argument" of Mr. Patrick Darcy, which he must avow is superior to the highly-praised

"discourse" he calls Mr. Molyneux's "Case of Ireland Stated." Why has he not published "the profound argument" to authenticate his statement?

I shall now pass on to the last part or section of this chapter, the Restoration:—"Independently of the Act of Settlement and Explanation, we had some useful fundamental English Acts introduced and adopted here, as the Act for the Abolition of Feudal Tenures, and the Act of Uniformity, an act which every one of the present day will condemn." He adds: "During nearly thirty years no new laws were passed, for a sufficient reason—there was no parliament to pass them. Parliament was dissolved, a Roman Catholic and Protestant assembly, by what was called the fatal dissolution of 1666, and was not again summoned till after the revolution of 1688; in 1692 parliamentary government, therefore, in Ireland, during this long interval, was *in nubibus*, not in *terris*."

Of the many wrongs of Ireland in her internal misgovernment, indeed utter neglect, is not this instance one of the most striking? But the learned lecturer, ever prone to censure, does not state why for thirty years "the parliamentary government" was *in nubibus*, *non in terris*. The government of the Restoration was afraid to convene a parliament in a country where so many calamities were caused by Charles I., the father of a relentless son. It was the oligarchy of England brought about the Restoration, not the people. But what is the excuse offered by the learned lecturer? Listen, that you may hear; and give ear, that you may understand. He says (p. 71):—"What respect would the government, that of the Duke of Ormonde, have had for such an institution? What confidence could the public have reposed in the members, or their public spirit, when for more than a quarter of a century they were unseen, unheard, unnoticed? The fact is, there was no investigation of public accounts till after the Revolution (1688); the

‘revenue was nearly stationary.’ This is bathos with a vengeance! Demades, in the worst days of the Grecian Areopagus could not have invented an argument more sophisticated.

Animated by the same opinions and sentiments which guided the legislatures of Ireland to draw up a list of grievances on the model of the English parliaments of 1641, the intensity of liberal views had increased, and a correct notion of national politics had clearly been made evident to the gentry,—the Lords and Commons of Ireland; and this was evident on the very first occasion. Sir Thomas Wentworth, Earl of Strafford, had his instructions from Charles I.; and the Duke of Ormonde had his from Charles II.

But I appeal to the Bar of Ireland, I appeal to those hereditary descendants of those parliaments and those judges herein discredited and sullied in their reputations to demand the proofs,—to examine the laws and legal arguments superior to the judges of Ireland. Where are the twenty-one queries drawn up by the Commons of Ireland, presented to the Lords to be submitted to these judges? Where are the cautious and elaborate replies of these learned men? Where is this argument of Mr. Patrick Darcy superior to Molyneux? But if the manager *selected* by the parliaments of Ireland, it is evident he would not have argued *against those who* elected him; it is equally manifest the parliament must have been right or the judges right; neither could both be wrong, and yet Mr. Patrick Darcy, the manager for the Commons, be right.

Where is this note-book of the Lord Chief Justice, and who was he? For the honor of the Irish nation—for the integrity of her institutions—for the purity of the ermine of the Irish judges—let us have these proofs. It is the duty of the Irish Bar to scrutinise and “sift them as wheat;” it is the duty of Roman Catholics and Protestants to examine carefully their parliamentary history. It is only by the past we can gain experience for the present and the future.

A curious incident occurred to Ormonde, which exhibits "the ups and downs of life:"—In 1715, on the change of ministry preceding King George's arrival, he ordered the dismissal of Bolingbroke, Oxford, and Ormonde. They were impeached by Walpole. Bolingbroke fled to France, whence he never returned; Oxford, ex-treasurer, was sent to the Tower; and Ormonde remained at large for a time braving his adversaries. But Walpole's impeachment was not to be despised; he prepared for escape, but before starting visited Oxford at the Tower, whom he counselled to escape to no purpose. "Farewell, Oxford," said he "WITHOUT A HEAD." "Farewell, Duke, rejoined Oxford," WITHOUT A DUCHY." The Duke of Ormonde never returned, and died abroad, in his eightieth year. So, from Sir James Ormonde, the companion and friend of Sir Edward Poynings in 1493 in the expedition to Ulster, to the fall of the Duke of Ormonde, the friend of the Pretender, we have their adventures. Bills of attainder were passed against Ormonde, Oxford, Bolingbroke.

SWIFT.

After ten years' seclusion and silence, writes the "Drapier's Letters."

Between the two great revolutions which changed the political, social, and dynastic condition of England, the transition from absolute prerogative to civil liberty, appeared Jonathan Swift.

Swift was a churchman by necessity, and a party political writer by inclination, a patriot by accident. The striking features of his life and character are easily traced. Some of his early years he passed in the house of Sir William Temple in the capacity of sub-librarian, and where it is probable he improved himself. Ordination and a curacy were often the means of getting rid of a poor relative. Sir William Temple, in a letter

to Lord Wharton, then viceroy of Ireland, explains the position of his dependent, Jonathan Swift, and asks the small provision above stated. There is also Doctor Sheridan's "Life of Swift," and the Dean's own writings; these are more than it is profitable to know of his life and character.

No man detested a residence in Ireland at that time more than Swift. With a disposition naturally misanthropic and inclined to satire, he has in his letters described his neighbours with that sarcastic contempt for which his style of writing is celebrated.

No one can reflect on the writings of Swift and think otherwise; then he was a churchman by necessity, a strong anti-Papist in politics; he hailed with delight the accident that transferred his services to a more congenial country and the employment of his clear and pointed pen to an arena that each day presented new topics and warm debates. He established and gave fame to the *Examiner*, a paper which has maintained its repute. Bolingbroke and Godolphin were his patrons. He defended with his wonted talents the polity of Queen Anne; and during the existence of Bolingbroke and Godolphin, Swift had the enjoyment of the highest praise for his political writings; but after their fall he was an embarrassment to their successors. Swift's Irish patriotism and politics are best explained by his "Drapier's Letters," which caused a great uproar among the ignorant populace of Dublin, which is thus described by an historian of the time:—

"In 1724 a serious tumult was excited in Ireland by the coinage called Wood's halfpence. A want of copper coin had long been felt in that country, to remedy which a patent was granted to William Wood, a considerable iron master, for coining halfpence and farthings to the value of £108,000. Wood, according to the testimony of Sir Isaac Newton, then Master of the Mint, appears faithfully to have executed his contract; but the Irish Privy Council and Parliament set their faces against the new coinage; a popular

“clamour was raised, and Swift, who had been living quietly the last ten years, seized the opportunity to exert his unrivalled powers of sarcasm. It was on this occasion that he wrote the ‘Drapier’s Letters,’ which, though pandering to the erroneous views of the Irish public, display astonishing wit and vigour. In the midst of the storm Lord Carteret, afterwards Lord Granville, the new Lord-Lieutenant, landed in Ireland. He issued a proclamation against the ‘Drapier’s Letters;’ offered a reward of £300 for the discovery of the author; and caused Harding, the printer of them, to be apprehended. But the grand jury threw out the bill against him, and a second jury, so far from entertaining the charge, made a presentment, drawn up by Swift himself, against all persons who should, by fraud or otherwise, impose Wood’s halfpence upon the public. Under these circumstances, the ministry had no alternative but to withdraw Wood’s patent, granting him a pension of £3,000 as compensation.”

It is evident, then, from the above historical citation, that Swift was flagrantly wrong. The proclamation of the Viceroy placed him under the ban of the Government; he was so far an outlaw, and the printer of the “Drapier’s Letters” punished with imprisonment. There is nothing new in those letters; it is the style and hardihood of the penman that excited curiosity, and, as it were, raised a tempest in a tub; for the uproar was confined to the populace of Dublin. Swift was mortified and disappointed at his position; as a skilful Parthian he knew well how to shoot his arrows—irony, sarcasm, and the coarser style of satire were figures natural to his temperament. The “Drapier’s Letters” contain the patent grievances of Ireland long existing, and had been the subject of the Reports of the House of Commons of Ireland. The subject-matter was therefore an old story in a plebian walking dress.

The Dean of St. Patrick’s easily forgot the dignity of

his office when the more tempting occupation of political polemics engaged his attention.

We must infer, then, that the Lord Primate of Ireland, the Viceroy Lord Carteret, and Sir Isaac Newton were right in their opinions.

As to Sir Walter Scott's narrative, it is an echo of the Reports made in a hundred forms, before Swift had left the ante-chamber of Bolingbroke, and only reproduced by the Dean.

After all, it is not the office of a Churchman to be an agitator.

HISTORICAL REVIEW
OF THE
IRISH PARLIAMENTS,
FROM THE EPOCH OF
HENRY II. TO THE UNION.

ADDRESSED TO THE
PROVOST AND FELLOWS OF TRINITY COLLEGE,
DUBLIN.

BY
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(Late Captain H.M.S.)

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SECOND PART.

THIRD EPOCH.

From 1688 to 1790. The Parliamentary era of Molyneux and Flood.

There is a parallelism in the social and political position of these very eminent statesmen which may well mark an honourable era for Ireland. Mr. Molyneux, who occupied the scene in the first interesting period after the revolution, was the son of William Molyneux, Master-gunner of Ireland, a post of some value at that time. He was a man of ancient family, of Norman extraction, and possessed of property in the north of Ireland. His family has since become ennobled, under the title of Earl of Sefton, and another branch raised to the Baronetcy, that of Castle Dillon, Sir George, and now Sir Capel Molyneux, Bart. I am not aware of any instance of this honourable name being sullied by defection to their country: to the last they were against the legislative union of the parliaments of England and Ireland. After Sir Francis Annesley, a distinguished patriot of an earlier period, came William Molyneux, member of the Irish Parliament for the University of Dublin, author of "The Case of Ireland Stated:" the first able political work in defence of Ireland.

After the lapse of time I have passed over, it is refreshing to find such disinterested patriotism—such exalted views as this gentleman propounded. He was not a trader in politics, or a time-server, who can attune his voice and turn his phrases to any audience.

The speeches of Mr. Molyneux have not been preserved, but no doubt he urged with as much fervour

and sound principle his views in parliament, as he has done in his political essay dedicated to William III. Molyneux, philosopher and friend of Locke, his recreations seem always to have been those of an intellectual character. He flourished from the end of the seventeenth till towards the middle of the eighteenth century.

Mr. Flood, who next followed him in the same principles, was the eldest son of the Right Honourable Warden Flood, Lord Chief Justice of the King's Bench, himself a man of great abilities, an energetic public man on the Whig side; presented with the freedom of Cork, and, I believe, other cities, from his enlarged and liberal views.

The Lord Chief Justice enjoyed an hereditary property of five thousand a year, in addition to his public salary. His son, Mr. Flood, was educated at the Universities of Dublin and Oxford, under the care of Doctor Markham and Mr. Tyrwhit, both eminent at the latter University, since the former became Archbishop of York, and the latter one of the leading professors there.

In 1759 Mr. Flood sat for Kilkenny in the Irish Parliament, accepting all the liberal principles which emanated from the two great revolutions from Charles I. to William III. No man of his time entered the battle of life—and especially public life—with better defined views, or with a more ardent temperament. The parallel between Molyneux and Flood is this:—Both were men of station, of ample property, and resident Irishmen; both entered parliament determined to serve their country, independent of office or title; both had large influence from family connection; both accepted the principles of the revolution of 1688; both were too dignified to be servile; both were statesmen from culture of mind, habit of thought, and the laudable ambition to be famous; both urged the complete independence of the Irish legislature consistent with the *unity of the Crown*; that is, more accurately, the per-

petual union of the Crowns of both kingdoms, "but "the perpetual separation of the legislatures," which comprised a national and dignified freedom of action; both urged the repeal of Poynings' Law—the enactment of Phillip and Mary; both held the polity of Ireland to be free from the date of the *Modus tenendi parliamentum in TERMINIS*, as expressive of independence in a parliamentary sense; both raised as high as was compatible with great changes brought about by the last revolution, the standard of national autonomy; both were too noble by nature, and too influential by station, to descend to narrower views for Ireland.

Such were the Irishmen who laid the foundation of that temple to freedom, had their policy been worked out. And what would have been the effect of that policy? The placing of the parliamentary constitution of Ireland on a broad and solid basis.

The Charter and Bill of Rights of King John, confirmed in Ireland by Henry III., which, with the "*Modus tenendi parliamentum in terminis*," and the Statute of Edward III., formed the base of the parliamentary constitution. If the last named law should be contravened, a triennial or septennial bill could have been introduced; for the House of Commons of Ireland would, under the above statutes, have had power to *originate* bills, of which power the Statute of Poynings had deprived them.

This policy would have placed the Irish parliament in a better position than it was in the reign of James I.

Had Irishmen of all creeds understood their own national history, and their legislative independence, they would have followed out the policy of Molyneux and Flood, as the most disinterested and manifestly the most capable statesmen of Ireland, brought up and cultivated in that very pursuit.

The Cassius malignity of some men and writers has no pleasure but in the detraction of others—"the "filching from them their meritorious acts." This is painfully apparent in Irish biographies; which ought to

these every public man would before he enters on such high views of policy as those of Marlborough and Fox.

The brilliant and career yet of Lord Macartney is not less instructive than Marlborough, and he devotes some pages of his valuable history of William III. to the remarkable event in Marlborough's "Case of Ireland" by the English House of Commons. Nothing could be more penetrating and indicative of the public mind at that time as regards Ireland, than its commercial rights and commercial restrictions, which she had enjoyed previously, but was now to be deprived of. Nothing could be so striking as the support the good-will of England—let the Ministry, let the King, but the commercial power of the nation, and the great sea-ports, then detaching a new-born tendency to monopolise the commerce and prerogative power of both kingdoms.

As nations have long memories, it is also probable that the conduct of Wentworth and Ormonde, who successively held the post of Viceroy in Ireland, and who organised and sent an army to assist Charles I., and the subsequent conduct of James II. combined to aggravate the angry disposition of the English public towards Ireland; therefore no concessions, political or commercial, were granted by the Parliament of England.

The Composition and Character of the Irish House of Parliament after the Revolution, 1688 to 1768.

It should always be borne in mind by the inquirer into the Irish Parliaments, that they underwent a new organization on the fall of the Stuarts. From the Reformation, or at least from the reign of James I., Roman Catholics and Protestants sat in the same parliaments, and carried on all social affairs in perfect harmony, and were nearly of equal proportions in the House of Commons.

It is needless, possibly, to say that the conduct of

James II. caused the overthrow of that principle of political unity in the status of Ireland on which her dearest interests hinged, and her commercial and legislative independence. Without that unity it was easy for any wily minister to sow tares in the field, and render all political and social culture impossible; and this did occur. I beg the reader to carry his mind back, and reflect on the ecclesiastical revolution made by Henry VIII., and the subversion of the Roman institutions made by that monarch, who even set up a code of dogmas himself. This was the first unsettling of England and Ireland in religious polity, followed by more extensive changes by Elizabeth, the double and evasive conduct of Charles I., the frivolity of Charles II., and, finally, the perfidy of James II. to both persuasions; hence the strong Protestant tendency of the triumphant party to establish, by new dynasties, a new polity in Church and State. The Houses of Parliament in both kingdoms were consequently Protestant.

The House of Commons of Ireland was composed of the settlers since the Reformation, down to the recent reign of William.

It would not do to suppose the settlers were mere adventurers. No; they were generally derived from ancient and often noble Norman lineages, animated by national views, anxious for the prosperity of Ireland, but not sufficiently strong to effect it. The members were, then, gentlemen by birth, property, and education, quite as much as in the English House of Commons.

The flagrant defects of the Irish House of Commons were as follows, arising out of the dynastic changes in England, consequent on the misrule of the Stuarts:—

1. A limited Representative of the Protestant section only.
2. A restricted franchise; the freehold and household franchise being on tenures too long or too high.
3. The unequal duration of parliaments, pending on the life of the king; the demise of the Crown being the

shortest period of the existence of the Irish legislature.

4. Members having only the privilege of introducing "*heads of a bill*" which were submitted to the Privy Council of Ireland who then permitted a bill to be founded on "*the heads of a bill*."

5. The prohibition of the publication of the debates in the House.

These were the principal defects immediately relating to the free exercise of legislative power; but the ever-pending Statute of Poynings, and the explanatory enactments of Philip and Mary, pressed like an incubus on the vital energies of the Irish parliament. Neither the Triennial Bill of William, for limiting the duration of parliament, nor the Septennial Bill of George I., were introduced into Ireland.

We have placed before the reader the parliamentary institution of Ireland, such as it was immediately after the last revolution. We must now pass to the social and commercial condition of the island. No sooner had William overthrown the late dynasty, and called a parliament, than petitions, addresses, and reports were presented on the formidable, and indeed afflicting, grievances of the kingdom of Ireland; so comprehensive were they as to drive multitudes either to penury or emigration. The first in consideration were the staple products of the nation: the woollen trade, one of the most successful branches of Irish industry. It would be difficult to compute with accuracy the hands employed in this most beneficial trade. This industry was transferred wholesale to England.

2. The linen trade, which was to supply the place of the former by certain encouragement, yet had restricted limits, as no direct shipments were allowed, England assuming already the emporium of trade. But the linen trade was in comparative infancy, either as to amount of product or as to fabric, and could not be compared in value and importance with the woollen manufactures. The linen trade was of importance: so

many hands were employed in agriculture; so many hands were busy in the various manipulations to the plant indigenous before it arrives at the fullness of hemp, or the fine filaments which compose the texture of linen. This manufacture had its embargo—its hindrances; the direct international exchanges of commodities was prohibited. England stepped forward and claimed the **SOLE MONOPOLY OF DIRECT TRADE**. Ireland might produce, but England sold and negotiated. Ireland had had long a free import and export trade with Spain and Portugal, with France and Newfoundland. The cured fish and the firkins of butter found a ready sale in the markets of Lisbon and Cadiz, and, in return, the wines and wools of Oporto and Estramadura lent activity to commerce and comfort to social life.

Such was Ireland before the jealous merchants of Bristol and of London interfered to prevent a free and direct intercourse with those countries, where the fabulous gold of Peru and Golconda was supposed to be amassed.

3. The silk trade; a branch of elegant industry introduced into Ireland by the Latouche family, the early merchants of Brittany, who fled from persecution, and brought with them their artisans, their looms, and the ingenious process by which the balls of the silk-worm are woven into a tissue as rich and varied as the productions of the looms of Lyons and Florence. The artisans of Dublin, all instructed by that clever and honourable family Latouche, were driven to exile and to want, till at last they formed new factories at Spitalfields and Coventry. This great transition in trade, manufactures, and free commerce, could not be arrived at without a corresponding transition in all the relations and mutual dependencies of life. Like as in the beautiful simile of Thucydides, when the creeping paralysis supervened over Greece, through the influence of external foes, so Ireland, deprived of her means of wealth and of com-

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6. The hat trade. This manufacture was confined to Dublin, and it benefited very considerably the local trade.

These are the principal commercial losses which Ireland sustained by the new commercial system of England, of which monopoly and prohibition were the two essential conditions. I am at a loss to find expressions sufficiently sombre, and yet not surpassing truth, to depict the prostration of a whole people, deprived of the means of existence by honest industry, deprived of those fair and natural means of gaining a livelihood independent and happy—to some even the enjoyment of wealth—that competency which enables the generous man to scatter blessings to his right hand and to his left, by relieving the sick and needy, and sheltering the poor in times of necessity. And this deprivation was caused by the new commercial code of England since the revolution.

The next point of social and national interest was the educational system then existing in Ireland.

The reader must recollect that before the reign of

Elizabeth no instruction whatever had been introduced by the English Government; at that era schools were established on a parochial plan for the introduction of the English language, and the Anglican Liturgy according to the Reformation; and this elementary instruction in language and religion was under the direction of very eminent bishops, whose names are sufficient to testify to the excellence of their views: Usher, Archbishop of Armagh; Bedel, Leslie, Brown, Loftus; all of whom stood unrivalled in the Elizabethan epoch. But the English language had not taken root rapidly, and therefore the labours of the Kildare and parish seminaries were slow and difficult.

On the other hand, the Roman creed had long and easily made its way to every part of Ireland, when the Latin and Celtic tongues combined to give domesticity and freedom to the ancient religion of St. Patrick, St. Columba, and St. Pelagius.

The two rival creeds which had divided the European world since the Reformation, now stood face to face, both leading to Christian civilization and Christian faith; the one protected by the crosier and pallium of the Roman Pontiff, the other instructing with the calm and composed dignity of piety; this, with the simplicity of the reformed ritual; that, with the splendour of the ceremonial law.

The struggle for supremacy, party politics, and party associations, gave a bent and tendency to education even in its elements; and hence the schools and seminaries throughout Ireland were based too much on party politics and the dominant creed.

I have, in the preceding pages, traced the outline of the parliamentary, commercial, and educational system of Ireland, after the great change effected by the fall of the Stuarts. The Reports of the Committees of the House of Commons have fully developed these grievances, and give ample evidence of their anxiety to prevent, or mitigate, the national misfortunes. I must direct a careful perusal of them before wholesale censure and

make every public man ponder before he enters on such high views of polity as those of Molyneux and Flood.

The brilliant and classic pen of Lord Macaulay is not less instructive than agreeable, and he devotes some pages of his valuable history of William III. to the reception given to Molyneux's "Case of Ireland" by the English House of Commons. Nothing could be more extravagant and indicative of the public mind at that time against Ireland, both to constitutional rights and commercial advantages, which she had enjoyed previously, but was now to be deprived of. Nothing could be attained except through the good-will of England—not the Ministry, nor the King, but the commercial power of the capital and the great sea-ports, then developing a new-born rapacity to monopolise the commerce and productive power of both kingdoms.

As nations have long memories, it is also probable that the conduct of Wentworth and Ormonde, who successively held the post of Viceroy in Ireland, and who organised and sent an army to assist Charles I., and the subsequent conduct of James II., combined to aggravate the angry disposition of the English public towards Ireland; therefore no concessions, political or commercial, were granted by the Parliament of England.

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unmerited abuse are accepted as just arguments against the institutions of Parliament; it is so easy to condemn that which is gone by, when no one will rise to defend, and no one has an interest to deny the most scandalous falsifications of Irish parliamentary history.

External to the Parliament of Ireland were two influences—the Privy Council of Dublin, composed of the Viceroy, the Primate of Ireland, the Chancellor, the Secretaries, and the Chief Justice of the King's Bench and Common Pleas, with *ex officio* Ministers. This Council, under the Statute of Sir Edward Poyings, examined all "Bills," "heads of Bills," and assumed the power of originating money bills and taxes.

The Privy Council of England supervised the Irish, and had the power to command the re-enacting certain bills and statutes that had passed the English Parliaments. Hence the Irish Parliaments had very serious difficulties to contend against, since their creative power was limited.

But it must be remarked, that the gentlemen composing the Irish Parliament from the reign of William, and for a long period after, were as free from corrupt motives as any national body could be; nor was there any motive for corrupting the members, since the measures were completely in the hands of the Privy Council. The Irish Parliaments were not then composed of adventurers; they, on the contrary, were the landed gentry of Ireland, men of descent, loyal to their country.

It was not till some seventy years later, corruption walked abroad, and with purse and title defiled the national honour of Ireland.

As long as the spirit of Molyneux presided, nothing but a sentiment of legislative independence prevailed—nothing less was looked for.

It has always been a matter of regret to me that I have never been able to obtain from the family of Mr. Molyneux papers that would contribute to illustrate *his honourable services* to Ireland. In a future publi-

cation, on the Parliament and Constitution of Ireland, I shall point out all the motions he made in the Irish House, with a view of sustaining those principles he has so well developed in the "Case of Ireland Stated."

Mr. Whiteside, in his nicely trimmed pleadings against the Irish Parliaments, from their first institution to the present, has arranged all the scraps of documents, incidents, and tales more or less valuable, every detail more or less authentic, that make out a case against a national institution that existed from the twelfth to the close of the eighteenth century, in a manner, too, that makes it appear as a national opprobrium.

Mr. Whiteside, after quoting the cynical doggerel of Swift, called the "Legion Club," against the Irish Parliament, continues:—"It is plain Swift had a very poor opinion of this assembly; and it does not appear that his judgment was erroneous. A public spirited parliament could never have *tolerated* the commercial legislation imposed upon Ireland; a patriotic parliament would never have submitted to the administration of a Primate Boulter. Had there been a *few* in the Irish Parliament possessed of the originality, energy, honesty, and capacity of Swift, the management of public affairs and the true interests of the country would have been speedily improved, instead of being shamefully neglected."

In answer to this, I say there is no reason to suppose the Irish Parliament neglected any of its duties during the reigns of King William and Queen Anne, that, on the contrary, as far as the limits of their Parliamentary constitution allowed them the free use of their representative power, they performed them; but there was a limit, and that limit was defined by the legislation of England. Was the Irish Parliament to proclaim a civil war? How otherwise oppose the will of England? But Mr. Whiteside adds, "Had the parliament possessed 'a few' such men as Swift." Why, Swift would have been as much out of place in Parliament as he

was in the Church. His acrid humours flowed in their natural channel; and the "Legion Club" is a specimen. Such satires are usually more biting than truthful. Mr. Whiteside adds a long list of qualities, which the abundant good nature of the learned lecturer has fancied, and which the Dean himself would have laughed at, had he seen so copious a panegyric on him. The Dean's ten years' silence in exile could scarcely put him in good humour with any less potent body than the rabble of Dublin; and his "Drapier's Letters" certainly are not a favourable specimen of his legislative competency, though they are very characteristic of the man.

To revert to more serious matter. Had there been as many Edmund Burkes in the Irish Parliament as members, they could not have done more in commercial legislation than was done, and which the Journals of the House of Commons testify.

Mr. Whiteside continues his ironical remarks on the Parliaments of Ireland after the Revolution, thus:—"They were oddly constructed; the lucky member, once chosen, had a life interest in his seat, subject only to a dissolution on the demise of the Crown. They might be affected by conscience, but were wholly uninfluenced by popular control. *Sometimes* a parliament was not called for twenty years. Of course, there was no publication of the debates. There was no Place Bill, no Budget, no ministerial responsibility to the Irish Parliament."

In reply to these sarcasms, I have to state—That the English Parliament was not regulated by any given period of dissolution till the introduction of the Triennial Bill in 1694, and a Septennial Bill substituted in 1716. That previous to those fixed durations the king's pleasure was the ordinary practice, or the king's demise the final term of the parliament. That, to illustrate these facts, it is only necessary to refer to the *reigns* of Charles I., when a parliament existed eleven years, James I., Elizabeth, and Henry VIII., when the

parliament lasted *fourteen* years, sometimes seven and four years, so perfectly optional with the Crown was the duration, the king's pleasure being the rule. The Commonwealth had its long parliaments and short ones. That the Statute of Edward I. for annual parliaments had seldom been invoked after his reign, and was, for the most part, a dead letter. That till 1716 no permanent law was recognised on the subject.

2nd. That a Place Bill had no existence in England before 1705, in the reign of William III., when the Bill of Rights was enlarged and modified.

That, notwithstanding these culpable neglects on the part of England towards Ireland, constant changes of members took place, from retirement, deaths, or like accidents.

3rd. That the publication of the debates was interdicted in both kingdoms.

4th. That there was no such thing as "popular control," even in a much later period than that under consideration, Georges I. and II. That Edmund Burke denied such a "*popular control*" at his Bristol election, even later still.

5th. The "Ways and Means" of the Kingdom of Ireland were always laid before parliament, and resolutions moved *seriatim* thereon.

It is true it was not a "Budget," a term borrowed from the bag of the Chancellor of the Exchequer in England. If this were not so, how could the *surplus revenue* of £200,000 have been purloined by a "King's Letter," according to Mr. Whiteside. In fine, the learned member is so eager to disparage and defame his "*imbecile Senate*," that he rarely elevates himself to a dignified mode of thought.

The learned member continues :

"It was strongly insisted (by whom?) that a money bill need not take its origin in the House of Commons of Ireland, and it was then asked, and only refused by a single vote, that the supplies should be granted, not biennially, but for *twenty-one* years at a time, to

"save trouble to all parties." It is scarcely necessary to say more on so unjust a statement. Let me call attention to Mr. Whiteside's own words in the following page, 111:—"A *spurt* of public spirit was made in the Irish House of Commons *immediately after* the Revolution October, 1692 (*the first parliament convened*) it appears that two money bills were originated by the Privy Council of Dublin, and carried into "parliament."

The parliament passed one, on *account* of urgent emergencies; but followed with a resolution that this proceeding should not be drawn into precedent; *and rejected* the second because it had not taken its rise ("origin") in their House. That it was, and is, the *undoubted right* of the Commons of Ireland in parliament assembled to resolve the "Ways and Means" of raising money.

Before the Revolution, the Privy Council of Ireland had *assumed* the power of originating money bills; but it was an assumption that was at once resisted *after* that event. In fact, nothing could be more creditable to the abilities of such men as Anthony Malone than the "Ways and Means" during the period he was Chancellor of the Irish Exchequer, and indeed down to the time of Vesey Fitzgerald.

I am led to suppose Mr. Whiteside never made any study of the origin of the financial system of England, though he may have some knowledge of her laws. Let him inquire how the Plantagenets, Tudors, or the Stuarts, even so late as Charles I., raised revenue? "Money bills" and "Budgets" are terms comparatively recent; and we ought to thank the Hampdens, the Pym, the Vanes, and the St. Johns for leading the way to the happy result, of which Mr. Whiteside is so jealous, when speaking of the "imbecile Senate," the Irish House of Commons. After all the censure of Mr. Whiteside, I am inclined to believe that from 1688 to 1790 the Irish House was not inferior to the English Commons; the last ten years, from 1790 to 1800, the *borough-mongers* and placemen predominated.

*Notes on the Authors cited in the Lecture against
Irish Parliaments.*

The rambling references in support of the arguments brought forward for the disqualification of Ireland to national parliamentary rights, renders it difficult to appreciate them in a brief form.

The legal supports are the principal ones, the other writers are of less importance.

Sir Edward Coke, the Attorney-General of Queen Elizabeth, and the Chief-Justice of James I., dismissed and imprisoned for not upholding an excessive prerogative, is the first on the list. In the case "Calvin, 7. Report, and the Prelude, 4 part," the argument derived from this is really of little value to the main object—parliaments. The Lecturer wishes to make out that King Edgar, and not Henry II., was the first English sovereign who colonised Ireland; the fact being undeniably certain, that King Henry II. received from the Roman Pontiff Adrian IV. the sovereignty of Ireland, the same being in the gift of the Sovereign Pontiff, derived from the Emperor Constantine the Great, and Henry II. received the investiture as a fief of the Holy Roman Empire, therein to establish the pallium and crosier of the Pontiffs; and this was done. The homage of the kings, princes, and abbots of Ireland completed the transaction. The knights who preceded the king having completed the conquest, so far as to take possession, were accessory to the fact. This, then, is a closed argument.

Next: Sir Edward Coke again cited in his 4 Institute, which confirmed the fact, that a "*Modus tenendi parliamentum IN TERMINIS*" was freely granted to Ireland, with the common laws then in usage, and such statutes as had been enacted up to the visit of the king in 1178.

Next: Sir John Davies states that no parliaments were held for one hundred and forty years after the visit of Henry II.; but, though a good man, there is *no depth of thought or exactness of expression in the*

author. For instance, what was a *parliament* in the reign of Henry II., in 1170? A *curia regis* or a *concilium ordinarium regni*? Sir John Davies lived in the time of James I., and used the word parliament in the sense then understood.

Baronial courts and a grand council of barons preceded parliaments. In the reign of Henry III. parliaments were first held in England, and then in a very limited sense. It is probable the same plan followed the conquest of Ireland in the four palatinates.

Next: Sir Edward Coke, in his 4 Institute, states that *sometimes* the king (not, however, naming one) commanded "*his nobles*" to attend him in his parliament of England, but not naming the *Commons* of Ireland. Now this clearly demonstrates "*aliis nobilibus*," the "*curia regis*," which was composed of *barons only*.

"10 Octobris.—Rex affectans pacificum statum
"terræ Hiberniæ, mandavit Ricardo de Burgo, Com.
"Ulton., et aliis Nobilibus terræ prædictæ, quod sint
"ad Parlamentum suum quod summoneri fecit apud
"West^m. in Octobris Hillarii prox., ad tractand. ibid.
"cum proceribus, &c., regni sui *super statu terræ*
"*prædictæ*."

However the fact be, it does not disturb the position, that Ireland had a legal right to a parliament. (Coke, 4 Institute, p. 350.)

Next: Great emphasis is laid on the historic fact, that King Edward I. ruled Ireland by statute; and so he did England, too; that is to say, by statute passed by the king in Council, which Council changed names from time to time. The "*ordinatio pro stata Hibernica*."

Next: Mr. Whiteside refers to Lord Macaulay's "want of generosity towards Ireland." Now, no man can be more generous, frank, and forgiving than this historian. If severe, it is in cases of *well authenticated* political and social vice. Mr. Whiteside does not literally quote the words of Macaulay in reference *Molyneux* and Cook; but reiterates what he states to be the historian's sentiments, which in fact makes all

the difference, for the value of such quotations often depends on the *context* and mode of expression of so careful a writer. The passage of Mr. Whiteside is long, and may be found in p. 99 of his lecture. It is intended to support his general thesis against a national parliament, and concludes with the following words, which involve the sense of the passage:—"There is, I am constrained to say, a singular want of generosity towards Ireland in the sentiments expressed by the eminent Whig writer; at the same time, *the conclusion* Macaulay arrives at *upon the whole matter was sound*, and is the *moral of my discourse*, namely—That to conduct the affairs of an empire with two independent parliaments would be impossible; and that one or other of two alternatives must be the result of the attempt—*incorporation or separation*." Now, this is the foregone conclusion Mr. Whiteside had in view from the outset of his lecture, from the first chapter to the last—which would be to stultify the Irish nation; to convert her nationality into a province; to sacrifice the honor and independence of self-government to the dictation of the power of England, which had strongly evinced for seven hundred years a grasping, monopolising appetency for power, whether over colonies or sister kingdoms—Scotland and Ireland.

Mr. Whiteside may see his interest in this mode of advocating a bygone subject; one of the few political honours unhappy and unfortunate Ireland had to boast, reduced to what he calls an "imbecile senate."

What was the status of England in the twelfth, fifteenth, or even the eighteenth century? A very limited kingdom, surrounded with precarious dependencies—not an empire. But Mr. Whiteside views the whole question from the nineteenth century, from the period in which he himself flourishes.

It would have been easy for England to have withdrawn the "*Modus*" of Henry II.; to have withdrawn the Charter and Bill of Rights of John and Henry III.; to have withdrawn a local legislature in 1494,

Henry VII., instead of wounding her national honour and her personal susceptibility, a humiliation that lasted from 1494, Henry VII., to George III., 1760-83. This was neither politic, wise, nor sagacious.

Next: Mr. Whiteside has laboured much against the character, capacity, and government of the Lord Primate of Ireland, Boulter: a churchman against whom nothing can be said for purity of morals, or correctness of religious duties. His Grace was the chosen servant of that "sagacious," "deep," and "able statesman," as Mr. Whiteside has him, Sir Robert Walpole, the first minister of George I., because he was the only one the king could converse with in Latin.

Now, it is evident the Primate would never have been supported by Sir Robert Walpole if his Grace had not perfectly understood his duty in Ireland, and he did not promote Dean Swift because, according to Mr. Whiteside, he had a "hatred" of him.

There is no other charge made against the Primate that any man who carries his mind back to the epoch of George I and George II. cannot perfectly appreciate as harmless against his character and polity. Ireland was exhausted and required quiet.

The vocabulary of compliments is fairly expended on Sir Robert Walpole's English government: one of flagrant corruption; but of his Irish policy, with such a man as Boulter, nothing can be said too bad. Such is Mr. Whiteside's versatile talent of blowing hot and cold.

Yet the Lord Primate Boulter's Letters and Diary, when he was Chancellor of Ireland, and Barrington's Observations on the Statutes, must be carefully considered—not for abuse—before we arrive at a due estimate of their respective periods.

Mr. Whiteside adds to his criticisms on the primate the reflection, he says, of Lord Chesterfield: "My son, you know not with what *little wisdom the world is governed.*" It was not Lord Chesterfield, but the Swedish Minister Oxenstern said so, from whom Chesterfield borrowed the plan of his "Letters to his Son."

Next: Advantage is taken of a fiction of Hardy in his *Life of Lord Charlemont*; that Lord Charlemont, in his *Travels*, relates an interview he had with the renowned Montesquieu, on the Union between England and Ireland. The answer is short. The union of the legislatures was not thought of at the time, 1756. It is just the reverse of that lord's opinions, written then and published since (but not by Hardy). Lord Charlemont owes all his renown to having been elected General of the Volunteers and chairman of the great conventions on the principle of the independence of Ireland. Lord Charlemont was a patriot in 1781, and was the particular friend of Mr. Flood, who was against a union of the legislatures. Hardy wrote in 1795, when this artful statement was quite acceptable.

Next: The main supports of Mr. Whiteside's argument rest chiefly on two points:—That the Norman kings of England governed Ireland without calling a *parliament* in Ireland for one hundred and forty years, 1171—1311. If true, yet it is probable the "*Commune Concilium Regni*" or the "*Curia Regis*" might have been held, as had been the practice in England previous to parliaments. As England was under an absolute monarchy, the "*Camera Stellata*" assisted the king, and in times of civil commotions he governed by statute.

To this is added, "That Charles I. issued Orders in "Council," to the Treasurers and Chancellors of England and Ireland, to raise taxes without the intervention of parliament (p. 21). To *raise the duty on Irish exports!* This, indeed, is a bad argument, and worse excuse for not holding parliaments.

Charles I. Why this was the most unconstitutional reign in the history of England, and can never be referred to for a precedent by any constitutional lawyer. Neither Hallam, nor May, nor Hume, put forward the reign of this king, nor his absolute acts, but in condemnation.

The second point is: The statute of Sir Edward Poyning's and the explanatory enactments from James I.

to George I.; the very number and frequency of which indicated the perplexed view and unconstitutional character of this statute. Hallam and May in their valuable works give the English interpretation of that law, but the Irish interpretation is, that Sir Edward Poynings' Statute was a usurpation of power exercised by the stronger over the weaker kingdom. Against this usurpation the force of intellect of Flood was directed, and the Renunciation Act of 1783, passed by England, was the result.

It is singular that a lawyer should cite precedents from the Acts of Charles I., whose strained prerogative caused a revolution and attendant calamities, to *Ireland especially*, never before equalled.

Mr. Whiteside leans with much stress on the origin of "Money Bills," taking place in the Privy Council of Dublin instead of the House of Commons. How was this privilege respected by Charles I., by Henry VIII., Elizabeth, and James I.? But before we accept the wholesale censure strongly set forth, we must inquire what was the state, and working condition and privileges, of the English and Scotch parliaments in a parallel era.

Mr. Whiteside's lecture is a repertory of all the defects, real or imaginary, of the Irish parliaments, not originating from themselves, but external circumstances. I shall select two short passages to guide the mind of the reader to a just appreciation of the value of the lecture as an historical view of so important a subject. The following is a remarkable passage in Mr. Whiteside's lecture which, though short, contains three fallacies. After giving the new version of Poynings' Law, in 1613, he says:—"Thus stood the Parliamentary Constitution of Ireland until 1782, being as unlike the *free* Parliamentary Constitution of England as any two systems of government could well be contrived." (P. 59.)

Now this short passage contains three fallacies, which are intended to deteriorate from the National parliament.

1st.—Though the Parliament was controlled by a Privy Council of Ireland, not always hostile to the wishes of the country, we have the testimony of the Speaker, an English lawyer, that it was a parliament representing fairly and freely the interests of the nation in that reign.

2nd.—That the *free Parliamentary* Constitution of England had no existence in the epochs of the Tudors and the Stuarts. That prerogative ruled with the Star Chamber. That the dismissal of Sir Edward Coke and the imprisonment of several members of the House of Commons in the very reign of James, and by his command, is sufficient evidence of the fact.

3rd.—That in 1782 the Irish parliament obtained only the repeal of the Declaratory Law of George I.: a compliment rather than a concession, and of very limited value, as the conduct of Lord Chief Justice Mansfield demonstrated.

*An Outline of the Historical Biography of the Right Hon.
Henry Flood, M.P., Vice-Treasurer of Ireland from
1760 to 1780.*

Mr. Flood, the eldest son of the Right Hon. Warden Flood, Lord Chief Justice of the King's Bench of Ireland, was universally considered one of the most eminent statesmen of the eighteenth century. Highly educated, dignified in his manner, and graceful in his deportment, he at once commanded attention, and sustained it when obtained. Related to many high families, and inheriting an ample fortune, he was, in a political sense, the first commoner of Ireland. Free from vice of any sort, as a public man, he maintained the austerity of an abstinent virtue among numerous temptations. As a private gentleman, he exercised a large hospitality, a sumptuousness of establishment, and a careful observance of the etiquette of those days, both in his person and his intercourse with others.

All the accessories to success and independence of action accompanied him through life. With a mind varied and instructed, he had generous sympathies which attached his friends to him; his hospitable table collected around it literary men and wits of Ireland in the last century. His preference for the Greek classics induced him to translate passages of the Greek orators, and he was considered the Demosthenes of Ireland; while his Shakesperian taste for dramatic literature gave him an eminent facility with the English language. His fine figure and intellectual head enabled him to take part, with effect, in the dramatic performances of the day. Lord Charlemont used to say, "You are all soul," when writing to his friend. Brought up in the intimacy of the first men of the day, having passed much of his early life in England, he brought a large share of influence with him when he either proposed or supported any motion. I have said Mr. Flood's accomplishments were varied, and while he was a good actor, he could versify agreeably, and he wrote, among other things, an epitaph on Dr. Johnson, which Mr. Croker has introduced into his life of that lexicographer. He was one of those named as the author of the Letters of Junius; and from his terse, expressive, and pointed style, he could use with facility the most poignant figures of language. In declamation, he could entertain and instruct his friends, by apostrophising some of the great characters of history, and those fine passages of Cicero where the most difficult and daring figures of rhetoric are introduced. It must be recollected that oratory of the highest order was the ambition of all public men; though very few attained the more finished styles of the Greek and Roman models, yet they were the study of all, in both parliaments, from the epoch of the Commonwealth.

The worst feature in a parliamentary life in the eighteenth century was the frequent contests of men of genius; the fiery invectives of Pulteney and Pitt against *Sir Robert Walpole*; of the Duke of Bolton against

Chesterfield, which caused his death ; of Fox and Burke against Hastings ; Burgoyne against Clive ; Grattan against Flood ;—and it may be said almost without reserve, none of these displays of rhetorical skill were well founded, at least in that sense inseparable from public life when a great statesman is often obliged to modify his own plans and principles so as to concur with political friends, whose influence was material to the success of the policy of government. Lord Chatham remained aloof from Government while his friends and relatives carried out the first American war, while his presence could have prevented it.

Mr. Flood's political friends were numerous in both kingdoms ; in England, Mr. Pitt, Mr. Townshend, Mr. Burke, Lord Temple, Lord Beauchamp, Mr. John Pitt, Colonel Lennox, Lord Shelborne, and many others. In Ireland, Lord Charlemont, Lord Granard, the Duke of Leinster, and the greater part of the House of Lords ; while in the Commons almost all the most important names in the kingdom, such as Brownlow, Cavendish, Annesley, Caufield, Molyneux, Newenham, Montgomery, Martin of Connemara, Eyre of Eyre Court, Malone, Sir Samuel Bradstreet, Recorder of Dublin, and many other members of importance acted with him. Without a large and strong support, no public man could hope to achieve anything important ; without transcendent talents and deep knowledge, no man could hope to guide and to succeed. For thirty years he exerted both for the good of Ireland. The office of highest dignity under the Crown was given to Mr. Flood, which had been previously held by Lord Chatham and Lord Hawkesbury, to whom Mr. Flood succeeded in 1774, for the first time conferred on an Irishman, and was held by him six years, during which time he introduced financial measures of importance, such as the Absentee Tax, and reductions in the military estimates. Subsequent to Mr. Flood's time this office was held by three persons, so as to multiply the supporters of *Government*.

The odious habit of detraction and scandal busily and ungenerously rumoured everywhere at his acceptance of the Vice-Treasurership: first embarrassed circumstances; then, a desertion of patriotism at a time he was most affluent, and during administrations of useful reforms; while Hutchinson, Burgh, and others escaped the envenomed shafts of this leprous host of detractors. Thus—

“ Men’s faults are oft writ in brass,
Their virtues *in water*.”

This eminent statesman said himself of such inventions—

“ I shake them off, as dew drops from the lion’s mane.”

I do not remember any character in historical biography so unjustly and ungenerously defamed, without a shadow of evidence, as Mr. Flood, except that of Sir Walter Raleigh, when Lord Henry Howard, with all the refinement of the most subtle deception, betrayed Raleigh to Cecil. (*Vide* Jardine’s “Criminal State Trial,” and Sir John Wallis’s “Criminal Jurisprudence,” Townshend’s “Reports of Debates in the Reign of Elizabeth”).

It is always a painful necessity to repel the fabrications against personal character of a past century, but it is the very neglect of not having done so, by those most capable of such a duty, from their proximity to the events, their ample fortunes, and their acquaintance with the noble patriot, has encouraged their circulation. It is likewise a vile capacity and malignant nature that holds up to public contemplation the defects, either personal or mental, of great public men.

Walpole, Chatham, Fox, and Peel, had defects and inconsistencies, the three first-named particularly so, yet no one thinks of holding them up to public derision in England; such an act would be unpardonable.

In this brief sketch of so eminent a patriot and *statesman* for Ireland as Mr. Flood, I cannot be expected to do justice to his numerous public qualities and his

daily life, but I shall refer to his oratory later in this epoch. The summary of the principal bills, laws, or proposed enactments for the benefit of Ireland, from 1760 to 1790, I now add as an index to his whole public life. The Commons' Journals, the reports of Sir James Caldwell, and Mountmorris's volumes of the House of Lords, will authenticate the following heads of Parliamentary Bills and Motions :—

1. REDUCTION OF THE IRISH PENSION LIST.
2. LIBERTY OF THE PRESS IN REPORTING DEBATES IN PARLIAMENT, AND FREEDOM FROM ARREST OR LIBEL FOR COMMENTS ON THE SPEAKER.
3. INDEPENDENCE OF JUDGES FROM REMOVAL FROM THE CROWN.
4. MILITIA BILL FOR IRELAND.
5. PARLIAMENT DURATION BILL, BROUGHT IN SEVERAL TIMES FOR LIMITING THE DURATION OF PARLIAMENT ; BILL BROUGHT IN CONSEQUENTLY BY DOCTOR LUCAS AND MR. FLOOD, FROM 1761 to 1765.
6. MOTION FOR THE REPEAL OF THE LAW OF SIR EDWARD POYNINGS, 1766.
7. MOTION FOR THE REPEAL OF THE DECLARATORY AND EXPLANATORY LAW OF PHILIP AND MARY.
8. THE OCTENNIAL BILL, PASSED FOR LIMITING THE DURATION OF PARLIAMENTS IN IRELAND, 1768. MR. FLOOD ALONE HAD THE CREDIT OF THIS GREAT BOON FOR IRELAND.
9. REDUCTION OF THE EXPENDITURE OF THE MILITARY ESTABLISHMENTS OF IRELAND AND A LIMITED MUTINY BILL.
10. FREE TRADE FOR IRELAND.
11. DENIES THE ADEQUACY OF "SIMPLE REPEAL" OF THE DECLARATORY LAW OF GEORGE I. TO ESTABLISH THE INDEPENDENCE OF THE IRISH LEGISLATURE.
12. MOTION ON THE APPELLATE JUDICATURE FOR IRELAND.
13. ABSENTEE TAX OF 2s. AGAIN ABSENTEE TAX OF 4s.
14. MOTION OF REDUCTION OF ARMY ESTIMATES BY 4000 MEN TO BE CARRIED ON THE ENGLISH ESTABLISHMENT.

15. REDUCTION OF THE CIVIL LIST.

16. PARLIAMENTARY REFORM BY EXTENSION OF THE FRANCHISE, 1783.

17. COMMERCIAL PROPOSITIONS.

18. RENUNCIATION ACT PROPOSED AND PASSED.

19. PARLIAMENTARY REFORM IN IRELAND, 1785.

These are the principal public measures introduced, supported, and debated in Parliament; but where every motion or bill, whether introduced by Mr. Flood or any other member, was equally a matter of debate, he may be said to have taken part in all the legislation for Ireland for thirty years.

Mr. Flood entered Parliament in his twenty-seventh year, was Vice-Treasurer in his forty-second year, and died in his fifty-ninth year from a sudden attack of pleurisy.

The Duke of Bedford's Viceroyalty—1760.

The Duke of Bedford's viceroyalty in Ireland was looked forward to as an auspicious event. A nobleman liberal in his politics, and of some talent for government, were omens not to be repelled, nor were the Irish of any party inclined to look unfavourably on the representative of a family which, though not ancient in nobility, had not been versatile in its conduct, nor conflicting in its support of rival dynasties, as other dukes whose capacity was not established, and whose transitions from side to side left no room for confidence any where. It is no wonder, then, that the era of the duke's arrival in Ireland was a matter of triumph for an important section of the Irish nation. The University of Ireland, Trinity College, Dublin, took the lead in the general manifestation of rejoicing; first, from the principles which had guided the house of Russell, which, from the reign of Henry VIII., they adhered to, the Reformed Creed, and with conscientious integrity maintained that belief under the transitions that had *raised up one and put down another.* Hence, the *University accepted a nobleman of religious and poli-*

tical stability of character, to have the distinguished honour of receiving the dignity of Chancellor; and this was conferred with considerable ceremonial, and with a laudatory ode by Lord Mornington, an Irish nobleman of patriotic views, elegant accomplishments, and a resident landlord. The Duke of Bedford was qualified, therefore, no less from his position than from his education, and his acceptance of the political programme of Molyneux, to follow it out to a gradual completion, to cultivate the hopes and express the sentiments of the nation, which Lord Mountmorris, Lord Granard, the Earl of Anglesey, Lord Charlemont, and the Duke of Leinster had so nobly and devotedly represented. Ireland had some foundation for a hope that improvement and enlargement of her institutions were at hand; nor was that hope frustrated—there was a move in the right direction.

The calm which opened auspiciously the reign of George III. gave reason to parliament, which was now convened, to receive the speech from the viceregal throne with confidence, which gave a flattering prospect of the kingdom; its resumed tranquility, its increasing population and prosperity, and its freedom from financial embarrassments, gave a clear field for the statesman, and for the Commons an opportunity of expressing themselves frankly, which had for centuries before the Revolution of 1688 been systematically withheld. The popularity of the Duke of Bedford's Government appears to have been well founded.

Mr. Sackville Hamilton, a friend of the viceroy, was Secretary of State in Ireland, and however well disposed towards the country, would not overleap the limits which pre-existing laws had defined. The scrap of quotation given by Mr. Whiteside may serve his object, and yet by no means explain the scope of the official document itself. He, Mr. Hamilton, however states—"The two constitutions were once *identical*, "upon the *same model*. The plan of Poynings' Act was "to remove first the constitution from the ground on

“ which it stood, to change the model of it, and to make it not only different, but in some respects the very reverse of the English House of Commons, and then relies on the opinion of the judges of England of William III. ! ” I am by no means sure of the above passage, but I cite it from the Lecture, to which I mean this essay as a reply.

Mr. Sackville Hamilton was a gentleman by birth, society, and education ; and I have no doubt set down naught in malice. He gave the interpretation of the statute common among the lawyers of England, whence he had just arrived. In a future work I shall remove the obscurity Mr. Whiteside has left on this point, by giving the motion before the House.

The Money Bills on this, as on most previous occasions, had their origin in the Privy Council, and introduced into the House by the Chancellor of the Exchequer, but they could not pass into law without the consent of the Commons, and that consent was not readily given when they had their free will, except for national ends. But Mr. Whiteside has made this one question a stalking-horse for his arguments against the Irish Parliaments ; in reality, the Money Bill could be thrown out at any time. On this occasion, Mr. Whiteside says, “ there were seventeen ‘ patriots ’ against the motion, and 117 ‘ steady hacks ’ for it. ” These expressions, I have no doubt, are quite inapplicable ; the seventeen members adhered to their strict right and privilege, yet they are no more patriots than the 117 who understood equally well the right and privileges of the Commons, as their predecessors had evinced on several occasions ; *but they found it necessary to vote* the Ways and Means for the *public service*, under a liberal and well meaning government.

The Irish Parliament was composed in the vice-royalty of the Duke of Bedford, 1760, on the new election of 300 members from towns, counties, and boroughs ; this included the ministerial body. The *Speaker of the Commons* was Mr. John Pensonby, an

upright and respectable gentleman of moderate whig views, and of what was called the "English Whig party." Mr. Sexton Pery and Mr. Hutchinson were of the same party, Mr. Anthony Malone was Chancellor of the Exchequer, Mr. Warden Flood Attorney-General, Mr. Robinson Accountant-General, Sir Arthur Brooke, Sir William Osborne, Mr. Fortescue, Mr. Henry Flood, and many other men of station and independent property; and, still later, after the passing of the Octennial Bill, in 1768, entered Denis Browne, Brownlow, Caulfield, Annesley, Cunningham, Warden Joceyline Flood, son of the Lord Chief Justice of the King's Bench, Mr. Hercules Langrishe, who obtained an office and a baronetcy from the Marquis of Townshend, whom he supported.

I have merely mentioned these names to give a clear idea of the high respectability of the Irish House of Commons, which Mr. Whiteside qualifies at this time (p. 120): "I can pronounce no other judgment upon the Irish House of Commons of a century ago (1761 to 1768) than that, while it was composed of gentlemen of ability, it resembled more a *parish vestry*, or a *corporation assembly*, than a national parliament. I may add," says the learned lecturer, "that the Dublin Water Bill is a larger question than nine-tenths of these provincial debates." To test the truth of these statements, what were the subjects of these debates? What were the *motions* on the record of the House of Commons—the Journals? The Ways and Means, or, in modern phraseology, the Budget. The Civil List pensions, a very important subject to the *Irish* revenue whenever charges were made in favour of English pensioners, without a shadow of claim to be so derived.

1st.—"The Ways and Means," resolved into a series of resolutions, were generally first introduced by the Chancellor of the Exchequer, at this time, 1761, the Right Hon. Anthony Malone, whose name and character deserve to be held historic in Ireland, whose family were contributors to literature by Edmond Malone's

"Annotations to Shakespeare." The Ways and Means being, in fact, a biennial estimate for Ireland, involved a Money Bill. The mode of taking this estimate was at the beginning of the Session. The population of Ireland being then about one million and a half, by the poll-tax, the estimate was not a trifle to cover the national expenditure and amount of Civil List pensioners taxed on the Irish revenue.

2nd.—The motion for the reduction of the Pensioners from the Irish Civil List.

3rd.—A motion on the liberty of the press, freedom from prosecution for libel for commenting on the debates, and freedom from imprisonment for the same. This, according to Lord Macaulay's testimony in a parallel case in England, involved the whole question of the ephemeral literature of the kingdom, which the fear of Charles II. had imposed on both kingdoms; for this king being restored only by a knot of nobles and some merchants, was not a restoration by the general voice of the people; he was, therefore, jealous of the liberty of the press, and fearful of its effects. (*Vide* "Hist. of the Literature of England.")

4th.—Heads of a Bill limiting the duration of parliaments in Ireland, first brought into the Commons by Dr. Lucas alone, in 1761.

Another bill, or "heads of a bill," introduced in the ensuing session by Dr. Lucas and Mr. Flood.

5th.—For a third time, the "heads of a bill" for septennial elections, or limiting the duration of parliaments in Ireland to seven years, was brought in by Mr. Flood; and a bill was accordingly founded on them, which he accompanied to England, and he got it passed with the simple change of the word septennial to "*octennial*." Such, I believe, is the correct history of this first important change. Dr. Lucas was dead *before* this Octennial Bill was passed into a law. It is here necessary to state some words in reference to Dr. Lucas, M.P. for Dublin city. From 1753 to his death, he was distinguished for his disinterested

patriotism; and for political integrity he stood without a rival. He received a public funeral. Mr. Flood was one of those named to hold the pall. In Parliament he supported the principles of Molyneux. In 1753 the surplus revenue was the question of the day, and he asserted and victoriously proved the Rights of the Commons to appropriate the proceeds of Irish duties; in this view, I have heard, he was ably supported by Mr. Warden Flood. Dr. Lucas was the physician and friend of Lord Charlemont, then beginning his Irish political career as patriot. The last effort on the important subject of a Septennial Bill was made by Mr. Flood alone; and he, with that large share of influence he possessed, without which nothing could be obtained for Ireland, succeeded in getting the Octennial Act passed by the Privy Council of England. I cannot allow, by any circumvention, that Mr. Flood should be deprived of this honour, this first achievement in the work of constitutional freedom in 1768. The Commons' Journals, and the Reports of Sir James Caldwell, testify to this. Mr. Flood's own statement in Parliament ought to be sufficient.

6th.—“*A Limited Mutiny Bill*” was, in fact, of the very first consideration in a constitutional system; and this was introduced repeatedly by Mr. Flood.

7th.—A Militia Bill was introduced and discussed by the same member.

8th.—Before the carrying into effect the Octennial Bill, Mr. Flood delivered his first oration on the Law of Sir Edward Poynings. Edmund Malone, brother to the Chancellor of the Exchequer, has borne testimony to the completeness of that exposition of the statute. I have in the preceding pages briefly enumerated the principal measures which were brought before Parliament in Ireland before the administration of the Marquis of Townshend, which closed with the Octennial Bill. It is true, all these measures did not become law, but they were expounded with ability

and advanced towards consummation. A Limited Mutiny Bill, and a Limited Duration of Parliament Bill, and the Octennial Bill, were of the first importance. The Commons' Journals are open, the Privy Council books are accessible; but Mr. Flood himself was too dignified by nature, and too upright in principle, to require the prop of falsehood to uphold his claims on his country. Thus, in three administrations within eight years, from 1760 to 1768 inclusive, so many steps were ascended towards the temple of freedom. The Marquis of Townshend, a gay and agreeable nobleman, and well calculated to add to the amusements of society, was not, unfortunately, accompanied by Mr. Charles Townshend as Secretary, who was a politician of note. His administration marks an era of new force and vitality in the nation, and the extraordinary ability which abounded in Ireland. The acute barrister, Mr. White-side, has dexterously caught at a straw he found floating on the political cauldron. He says, the Union was then a question, for he finds it alluded to in the pantomime of the Government of Lord Townshend, called "Baratariana," and amidst a thousand impossibilities, the Union too forms one of the figures in the burlesque irony which was thought the best mode of attacking the Viceroy. And to aid this, he says, "the wise Montesquieu" recommended a Union to the young Lord Charlemont, then *en voyage*; and thus fabulous politics float in air. It is enough to say, that in a political career of thirty years and more, Lord Charlemont *did not act* on the advice of the sage, but just the reverse on all occasions. As the *acts* of every man are the best test of his character, so it is certain that the public and private correspondence of Lord Charlemont was true to the honour and legislative independence of Ireland, and it is but fair to infer either that the conversation never took place, or if it did, it is not faithfully reported by Hardy, whose acquaintance with Lord Charlemont did not take

place till 1783. There are several other reasons for believing it was a story got up in 1795, *after the death of Lord Charlemont*; but it answers well to bring in the great name of Montesquieu in a *post facto* Union, which idea in 1770 none but an Absentee could have entertained. The idea of Union of Legislatures came from the Protectorate and was abortive.

Mr. Whiteside, in his lecture, tells the public "The *Baratariana*" is an historical satire on the Government of Lord Townshend, "in a series of letters resembling those published by Junius." Now no two compositions could be more dissimilar. "The *Baratariana*" was a very clever, humorous pantomime, written to burlesque the Viceroy and his courtiers, who thought by a happy profusion to relax the rising patriotism of the nation. It was, and is, an admirable work, full of native wit and genius, written by Langrishe, Jephson, Scott, Boyd, and young Grattan. The humorous parts and scenes by the two first-named; Boyd, under "Syndercombe" and Philo-Junius, Fabricus and Pericles the latter. On the contrary, the austere irony of Junius is without rival for lofty dignity and correct style of composition, combined with a political acumen of singular penetration. The parliament which sat during the Marquis of Townshend's vice-royalty had one most constitutional measure passed, the Judges' Bill; by which justice, law, and equity were freed from the contamination of the influence of the Crown. The want of this beneficial Act had disturbed for centuries the courts of justice in England; and last of all came Ireland to have her judges freed from the influence of the Crown. Mr. Sexton Pery was elected Speaker by a majority of two votes, in room of Mr. John Ponsonby.

The House of Commons increased in strength of patriotism, maturity of intellect, and knowledge not inferior to that of England. The Earl of Harcourt, who had been Governor of George III. during his *minority*, was named Viceroy of Ireland, and Sir John

de Blaquiere accompanied him. Mr. Flood was requested to assist them, and was offered the Vice-Treasurership. It was the highest post that could be conferred on an Irishman; and Lord Hawkesbury's letter, extant to all, explains both the position and importance of Mr. Flood. In Lord Harcourt's time, and succeeding administrations, he introduced several measures of finance and economy, all well calculated to benefit Ireland; the measures shall be given in detail hereafter; on this occasion I shall content myself with noticing two or three.

The reduction of the army estimates by 4000 men to be carried to the English estimates. The ABSENTEE TAX of four shillings in the pound on the rental of all those who did not live six months in the year in Ireland. Owing to the opposition of Lord Orrery and five other large proprietors, non-resident, this TAX ON ABSENTEES underwent a modification of two shillings. This tax was considered then, and must *ever be considered*, the most beneficial tax Ireland could be blessed with; it would confer residency.

Mr. Whiteside employs Burke to say "it was impossible." It is improbable Burke could have said so, as he was *usually in a trance* on Irish affairs. Burke was the friend of Mr. Flood; Burke had no position in Ireland; a brilliant and philosophic writer, an excellent man, though irritable and impulsive; an orator, yet not a statesman of any great breadth or practical extent—witness the state trials of Warren Hastings and Clive. Mr. Flood, on the contrary, was a profound statesman, practical and efficient, but employed on too narrow a field. Many excellent measures were either carried into effect or brought forward at this time; suffice to say, there was a considerable economy in the Military and Civil Lists during Lord Harcourt's residence in Ireland.

In the year 1779, during the Marquis of Buckinghamshire's vice-royalty, Mr. Grattan (who had been a few years before, 1775, elected a member of parliament)

introduced his first motion of importance on free *Imports* and *Exports*, a measure of the greatest importance to Ireland; but as the terms of the motion were involved, Mr. Flood requested the motion to be reduced to the simple expression of "FREE TRADE;" in this he was joined by Hussey Burg, both being in office. This motion was carried amidst general enthusiasm in and out of the House, and indeed throughout Ireland. It was considered tantamount to a motion for the repeal of all commercial restrictions. From this year there was but one national impulse throughout the nation—to be FREE, commercially and legislatively.

The ninth chapter of Mr. Whiteside's lecture opens thus:—"We are *approaching* a stirring period of Irish history. *It has been said* that for a few years before 1780 parliamentary speaking was confined to a few; the Secretary, the leading Commissioners of Revenue, the Attorney-General, and one or two grave serjeants-at-law; men of sterile and almost interminable rhetoric."

This disingenuous and unfaithful passage is a paraphrase of Hardy, a writer whose character and conduct I shall refer to hereafter.

I have made it manifest in the preceding pages that the Irish Parliament, when convened, was always alive to its duties; always ready, willing, and capable to carry out the most useful measures for Ireland. Unfortunately, Ireland was not "approaching," but always in a "stirring period."

Sir Jonah Barrington states, in corroboration of my facts of the Irish Parliament *prior to 1779*:—"The contests in the Irish Legislature had become more warm and more frequent." And in a note he adds:—"On many occasions *previous to 1779*, the Irish Commons asserted their independent rights and privileges with great warmth, though sometimes without success." Then he cites the celebrated struggle of 1749. (Historic Memoirs of the Union, quarto edition, p. 30, vol. 1). But we have seen already "stirring periods" in

1641, 1666, 1692, 1749, 1753, and 1779, and these the mere outbursting of an internal patriotic flame. "Parliamentary speaking was confined to a *few*!" Why, Ireland is the land of orators; a Curran and a Burke may be found in every cabin in the south and west of Ireland. Oratory is almost indigenous; rich in imagery, and fertile in words, an Irishman only requires art, the rules of the great masters, to make him an orator.

It is difficult to cite *names* before 1760, but my impression is that there were several of the style of Molyneux; I believe I am not transgressing truth in stating the names of Sir Francis Annesley, Mr. Warden Flood, afterwards Lord Chief Justice of the King's Bench, Mr. Anthony Malone, and Doctor Lucas. After this date, we have the Reports, however imperfect, of Sir James Caldwell, who considered the eloquence so fine, as to dedicate his book to Mr. Pitt, then considered the first orator in England. It is only necessary for the reader to refer to the preface or dedication of Sir James Caldwell's Reports to find what I say.

Sir Jonah Barrington, in his great and fearless work, "Memoirs of the Union" (chapter 2, *et seq.*), protects the Bar in general from the aspersion of "*sterile and interminable rhetoric*," as quoted and adopted by Mr. Whiteside.

It would be herculean to meet every detraction, or, to use Mr. Canning's expression, "to strike the varied falsehood as it flies." Mr. Sexton Pery was considered an accomplished orator; Mr. Hutchinson was voluble and informed, though *not an orator*, his habit of arguing in a circle got him the name of the "PRANCER."

Passing over the dull story of the Irish Peeresses, which, if true, must have taken place in 1761, twenty years before the heading of the ninth chapter, it tells however against Mr. Whiteside's theory of the "One State," &c. I was astonished to come to the following *passage* from the inspirations of Hardy, since it is no *more than* a paraphrase of some slanderous statements

against Mr. Flood. Mr. Whiteside thinks it decorous and honourable to adopt them. I repel them as mere party statements, and it is ungenerous to parade such tales as authentic facts, the mere outpourings of party spirit. He says: "Flood now determined to be patriotic, and renewed the old cry against absentees, by proposing a tax of two shillings on the net rents of all landed property in Ireland, to be paid by all persons who should not actually reside in the kingdom for the space of six months in each year, Christmas, 1773, to Christmas, 1774. The Irish Government, wanting money, favoured the scheme, but it failed. The absentee lords in London, a numerous body, pressed Lord North to give it up; Burke in his correspondence condemned the plan as impolitic; although it was liked by the multitude and favoured by a party, it was lost. Flood now thought it was high time to accept a place, that of vice-treasurer, a place highly desirable. The rank it conferred was considerable, the pay large, and the work small. Few patriots could resist such inducements. When questioned by his friends, he moralized on the corruption of the times, stating 'that he had been betrayed oftener, when taking an active part in the House of Commons of Ireland, than he thought it necessary to state. Except some particular persons, men of scrupulous honour, every one to whom I entrusted a parliamentary motion, or plan of conduct for the session, almost uniformly betrayed me.' Flood seemed surprised to find that he was promoted, not to speak, but to hold his tongue. He might have said with a witty Irishman and brilliant declaimer whom we remember, 'that he was better rewarded for his silence than ever he had been for his eloquence.' Such is the blindness or perverseness of ministers, who will sometimes prefer a silent vote to a fiery oration, although the orator might be Flood or Sheil."

The learned lecturer "strains at a gnat, but

swallows a camel." The above leering paragraph is no more than a repetition of the statement of Hardy in 1795: the same ideas in other words, written when the acrimony of political antagonism was in full force, and when the vision of the mind saw in every act some discolouring matter, detecting through the broken prism distorted rays and commingled hues, lending to every feature and every object a false and unreal character. Such is the effect of party politics, when the passions run high, and when ascendancy of opinion is frequently the *only* desideratum.

Mr. Flood had taken too grand and too independent a part to escape: he had what others had not—a powerful genius, an indomitable spirit, a courage equal to any emergency, experience in public affairs, and ample fortune to allow of him acting a great part: such was the bold type of his character.

I shall reply to each sentence consecutively, briefly, to the accusation against Mr. Flood's patriotism. From 1760 and 1780, I have enumerated the measures, or most of them, at the commencement of this epoch, and here I shall only refer to the most prominent, from their constitutional and national importance. The Pension List,—the Liberty of the Press,—the Duration of Parliament Bill,—the Repeal of Poynings' Law,—the Militia Bill,—Limited Mutiny Bill,—Judges' Bill,—Octennial Bill,—Free Trade,—Absentee Tax,—all these, and others of minor consequence, were either introduced or supported, or carried through the stages of progress, generally to success. This was not a time when any person, however powerful, could carry measures by a brilliant *coup d'état*; no, it was one of negotiation,—diplomacy,—influence,—either personal or by party. The question of the American revolt had not yet triumphed, and arbitrary rule, whether by Whig or Tory, was the policy of England. Now, Mr. Flood had pushed forward as much as possible legislation for Ireland, and certainly great advance had *been made*, but his efforts cost him his office, and few

other men would have hazarded so important a place. There is not the slightest ground for so base an insinuation as that put forth. "Flood *now* determined to "be patriotic,"—as if he had not on every occasion afforded the most devoted patriotism, even to his personal loss. Mr. Whiteside cites the ABSENTEE TAX, the "most useful to the people, the most beneficial to the finance, and the most popular in the kingdom of all measures. An ancient tax so far back as Hen. VIII., stringently imposed then, and subsequently extolled by Sir John Davies, "a truly good and well wishing public man" in the reign of James I.; and it was the *want* of this *tax*, to make residence obligatory, that denuded the country of wealth, example, and moral and social guidance, without which no nation can prosper. If Burke said "it was impossible," Burke was wrong on this subject. He was not a resident, he was not a proprietor; an English Whig in politics, never very sure of his way on any matter of external legislation; and, curious enough, though Burke rose from the people, he had little sentiment for popular government. As a brilliant writer and sound moral philosopher he will live for ever, notwithstanding he was the dinner-bell of the House of Commons. To such a man as Mr. Flood, though his intimate friend, he would scarcely venture his opinion on practical measures for Ireland, where he seldom or never appeared. Lord Chatham did not do so when consulted, and why should Burke? The next sentence asserts, the government of Ireland "*wanted money*." This is untrue; the Government of the Earl of Harcourt was financially better off than either the preceding or succeeding administrations; and the reader has only to refer to the Accountant-General's Report in the Journals of the Commons for 1774 to 1780, compared with 1772 and 1782, to ascertain this fact. The next sentence is, "Flood "thought it high time to accept a place," &c. Such an ungenerous and unwarrantable sneer is not the part of a gentleman, nor that of a man of a high sense of honour.

Mr. Flood had attained at this time, from 1774 to 1780, the largest share of reputation for all the requirements of a statesman that could be arrived at in Ireland: a far more difficult ascent to place and power than in England. There was no sacrifice of principle or character in serving under the Earl of Harcourt, the personal friend of the King, and a nobleman whose amiable character and liberal opinions, assisted as he was by Sir John Blaquiere, justified and made laudable such a support. Hussey Burg accepted the post of Prime Serjeant, and Hutchinson became Provost; why then should not Mr. Flood accept the Vice-Treasurership? the highest post, in a degree, honorary and ministerial. Mr. Fox was Master of the Pells of Ireland, another honorary situation which he held under several changes of ministers, and sold that office for a large sum.

But Mr. Whiteside does not hesitate to repeat from the Memoirs of Hardy: "That when questioned," he, Mr. Flood, *moralised* on the corruption of the "times," stating, "That he had been betrayed oftener, when "taking an active part in the House of Commons of "Ireland, than he thought it necessary to state." A more malignant and envenomed story could scarcely be repeated, not only with a view to dishonour the man but the *Parliament*.

To qualify the above, and give a colouring of possibility to such a calumny, it is followed by this sentence: "Except some particular persons, men of scrupulous honour, every one to whom I entrusted a particular motion, or plan of conduct for the session, almost uniformly betrayed me."

This is, no doubt, an infamous and dishonourable statement, from whatever source it may have come. Such as it is, let us test the validity of its character. Who were the supporters generally of Mr. Flood? Sir Thomas Osborne, Sir Arthur Brooke, Dr. Lucas, Mr. Caufield, Sir Edward Newenham, Sir Samuel Radstreet, Mr. Walshe, Mr. Warden Flood, LL.D.,

Judge of the Admiralty, Sir Frederick Flood, Mr. Brownlow, Mr. Montgomery, Mr. Martin, Mr. Eyre of Eyre Court, Mr. Molyneux, Mr. Hatton, Mr. Parsons, afterwards Sir Lawrence Parsons, Mr. Edgeworth, and many others whose names I cannot recollect, were all members of the Irish Parliament, of unscrupulous honour, who very frequently co-operated with Mr. Flood as leader; Mr. Flood had about eight or ten relations and connections members of the House. Here was a party strong enough and liberal in their sentiments, not likely to betray any one, much less the country which they openly professed to serve.

The Earl of Buckinghamshire *complained*, "That Mr. Flood, Vice-Treasurer, Colonel Talbot, and the Duke of Leinster did not support the Government measures in the Privy Council." A line of conduct the reverse of servility. We have also the ample explanation of Mr. Flood himself in the House of Commons; and no man was ever more accurate in his statements to the House. It was this very independence which lost him his office. There is abundant cotemporary evidence which repudiates all low and sordid imputations from the character of Mr. Flood, either in or out of office. Nor would Sir Lawrence Parsons, Dr. Playfair, and Mr. Martin have made those admirable eulogies of Mr. Flood had he not equalled the most eminent men of his time in public virtue. There never has been any evidence to countenance these ill-natured and illiberal interpretations.

The last sentence I feel called on to notice is the following: "Flood seemed surprised to find that he was promoted, *not to speak, but to hold his tongue.*" This is a vulgar view of the conduct of any public man, while it is untrue. If such political justice were generally applied, no leading statesman in parliamentary history would escape. My answer is shortly this: The revolt of the American colonies began in 1774; during the war that ensued military armaments and finance measures occupied the time of the

legislatures of both kingdoms, and domestic or internal questions were for a time arrested. The war with France which followed added to the external embarrassments. It is not the fact of a statesman being silent, or not silent, at a particular period, which is to be considered, his own judgment must be his guide: it is the air of insinuation of something base and corrupt, that offends. Lord Chatham at the same period was silent, he remained ten years silent; Mr. Pulteney was silent; and Sir Robert Walpole was silent, when affairs required such conduct. It would be impossible to expect the regularity of a pendulum in the movements of great public characters; but Mr. Whiteside has one code of political justice for one set of men and measures, and another for those who do not agree with his political notions and party views. During the revolt of the American colonies, Mr. Flood assisted the government from 1774 to 1780; on the Declaration of Independence, his own country, Ireland, was his only consideration; and this statement is sustained throughout by the motions in the Journals of the Commons. The whole charge would be frivolous and contemptible, were it not for the *corrupt motive* which is insidiously implied. As the son of a Lord Chief Justice of distinguished merit, a gentleman allied by marriage to one of the highest families of Ireland, as a man of independent fortune, as a man of extraordinary genius for public affairs, and whose eloquence was equal to his genius, the first honorary place of the State was therefore his, by right of those claims and those qualities of public value.

Since I cannot transcribe a passage from Godwin's admirable work on "Political Justice," let me invoke an illustration. Supposing I were to say Lord Chatham had some defects; he was dismissed the army; he entered parliament for Old Sarum, and commenced and continued a very hornet of war against Sir Robert Walpole, who was a minister of peace; Sir Robert

was for peace and non-intervention; "the terrible cornet" was for war: he was against all sorts of political corruption; he accepted three pensions for his family, and yet, to the astonishment of all, a peerage and privy seal for himself, though he had cried aloud against the acceptance of both by others; he accepted a pension from the Duchess of Marlborough. He allowed the king to enjoy his hobby of war in Germany; he sent an expedition to Quebec with every possible chance against success, and which was as near failing as any expedition ever undertaken. He remained silent during the first American war, though a word from him would have been enough; he remained aloof and allowed his friends and relatives to play out their policy; he was against the motion of the Duke of Richmond for the recognition of American independence; yet he was a great luminary and of the highest public reputation in English history. Sir Robert Walpole was a far greater minister for England, yet he did not receive such rewards. Where was the consistency of Sir Edward Coke? the most abject Attorney-General of the most absolute prerogative; after other transitions, he co-operated with Pym, Hampden, and Selden! This, indeed, was a change for the better. What was the public conduct of Lord Bacon? What that of Wentworth? First, he took a violent part against the king, and then he made war for him against England! There would be an end to history, to political ethics; no value in the study of that great subject "Political Justice," which the genius of Godwin has illuminated, were we to depose on light and insufficient grounds one illustrious man and set up another. In the thirty years of public service, no instance can be established of a single vice, or a betrayal of the rights of Ireland, in that long period against Mr. Flood. He stood alone often, but in the end he was right.

There is, however, this reflection to be made—"That
"public service and public duties, however arduous

“and constant, performed in an inferior country
 “subordinate to some other, have not only all rivalities
 “and jealousies to contend with, but the reward in the
 “end is always inadequate to the labour and anxiety.”
 It was this that made the pointed answer of the woman
 of Salamis so memorable—“And you, O Themistocles!
 “would not be so great had you not been born at
 “ATHENS!”

An Historical Outline of the Right Hon. Hen. Grattan, M.P.
 1782.

THE INADEQUACY OF HIS BILL OF RIGHTS TO THE PER-
 FECTING OF AN INDEPENDENT LEGISLATURE WITH
 AN APPELLATE JURISDICTION.

Mr. Whiteside has said in a previous chapter of his
 lecture, p. 59, James I.:—“Thus stood the parlia-
 “mentary constitution of Ireland until 1782, being as
 “unlike the *free parliamentary* constitution of England
 “as any two systems of government could well be.”

We have now arrived at a period when the fallacies
 of this assertion are quite apparent. 1. The Roman
 Catholics and Protestants were in the same parliament;
 that essential condition had ceased in 1688. 2. That
 parliament had a *fixed* duration of eight years. 3. That
 the judges of the land were independent of the
 will of the king. 4. A freedom of discussion and
 reports. 5. A limited Mutiny Bill. 6. A free trade of
 1779. This latter Bill was at least carried in the Irish
 Commons. The *three* first named measures involved a
 most important change, and therefore Mr. Whiteside's
 assertion is erroneous. The Law of Poynings alone
 remained unchanged. In the second clause he asserts
 that which was not an historical fact. The “*free par-*
 “*liamentary* constitution of England” was violated in
the persons of her representatives, and in the persons
of her judges. In the very reign in which he draws his

comparison, members of the Commons were imprisoned, and the Chief Justice Coke dismissed. We find a further passage in p. 114, thus:—"The 6th of Geo. I. furnished a decided proof that whether the Tudor, the Stuart, or the Guelph reigned, it was equally the policy of England *not to permit the existence of a separate parliament*; we cannot be blind to that great fact." Grattan, it is clear, was not of that opinion in 1782; nor were the people nor gentry of Ireland of this opinion, as may be seen by the addresses of the different constituent bodies, from the grand jury to the town council of every county and borough of Ireland. Nor do I recollect, at any period, a country of four millions of people, *of all* persuasions, more completely united than the Irish, from 1780 to 1790, on one question—legislative freedom. I shall oppose to Mr. Whiteside the best authorities, Mr. Grattan himself, his friend and historian, Sir Jonah Barrington (quarto edition, suppressed), and the official documents of the time.

First, I shall place before the reader a short account of the origin of the restrictive Declaratory Law of Geo. I.

Second, the Declaration of Rights of Grattan.

The origin of the Declaratory Law of Geo. I. ought to be well considered, for upon this base Mr. Grattan founded his Bill of Rights, the inadequacy of which was maintained by Mr. Flood.

For half a century preceding the transaction of 1782, the Irish parliaments had constantly disclaimed the power of the Crown to touch the surplus revenues of the kingdom, as being derived from taxes levied on the people, and though called "*hereditary revenue*," was in no way different in its source than the other portions of the Ways and Means.

There was another fundamental question, the Appellate Jurisdiction, constantly agitating the public mind and the legislatures.

The Irish nation was now powerful, and both Houses

of Parliament had determined to assert and uphold their constitutional privileges.

On many occasions previous to 1779, the Irish Commons asserted their independent rights and privileges with great warmth, though sometimes without success.

In 1749, a redundancy of £53,000 remaining in the Irish Treasury an unappropriated balance in favor of the nation, after paying all the establishments, the King sent over his Letter, to draw that sum to England as a part of his hereditary revenue. But the Irish Parliament resisted the authority of His Majesty's Letter, as an encroachment on the distinctness and independence of Ireland, a part of that sum having arisen from additional duties imposed by her parliament. The King consulted the English judges, who were of opinion that the King's *previous consent* was necessary to its appropriation; but the Irish Commons insisted on their right of appropriation, and asserted that His Majesty's *subsequent assent* only was necessary. This contest was warmly maintained until the year 1753, when the Irish Commons succeeded in establishing their principle; but the King had in the meantime drawn the money into his power, and thus ended the argument. This transaction excited great heat and animosity in Ireland.

Another cause of incessant discontent between the two legislatures was the right of appeal, assumed by the British Lords with respect to suits decided by the Courts in Ireland. The substantial reason of this assumption, however artfully palliated, really was, that so many forfeited Irish estates had been purchased by Englishmen, that they were afraid to trust the determination of titles exclusively to Ireland.

However, the Irish judges, who were in general Englishmen, and held their offices during pleasure only, endeavoured to enforce in Ireland the decrees of the *British House* of Lords by attaching the Sheriff of *Kildare*, who had refused to execute their order; but

the Irish Parliament committed the Chief Baron and Judges of the Exchequer for their contempt in so doing. This gave rise to the celebrated statute of the 6th of Geo. I. in England, declaring the total legislative and juridical dependence of Ireland upon Great Britain; to which statute, as the Irish were not then in a condition to resist, they reluctantly submitted, till it was repealed in 1782. (Historic Memoirs of Sir Jonah Barrington, p. 31, 32.)

DECLARATION OF IRISH RIGHTS, MOVED BY MR. GRATTAN,
AND RESOLVED *nem. con.*, IN THE IRISH HOUSE OF
COMMONS, 16th APRIL, 1782.

Resolved,—"That an humble address be presented to His Majesty, to return His Majesty the thanks of this House, for his most gracious message to this House, signified by His Grace the Lord-Lieutenant.

"To assure His Majesty of our unshaken attachment to His Majesty's person and government, and of our lively sense of his paternal care in thus taking the lead to administer content to His Majesty's subjects of Ireland.

"That thus encouraged by his royal interposition, we beg leave, with all duty and affection, to lay before His Majesty that his subjects of Ireland are a free people; that the Crown of Ireland is an imperial crown, inseparably annexed to the Crown of Great Britain, but that the kingdom of Ireland is a distinct kingdom, with a Parliament of her own, the sole legislature thereof; that there is no body of men competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland; nor any other parliament which hath any authority or power of any sort whatever in this country, save only the Parliament of Ireland.

"To assure His Majesty, that we humbly conceive that in this right the very essence of our liberty exists; a right which we on the part of all the people of

Ireland, do claim as their birthright, and which we cannot yield but with our lives.

"To assure His Majesty that we have seen with concern certain claims advanced by the Parliament of Great Britain, in an Act entitled 'An Act for the better securing the dependency of Ireland,' an Act containing matter entirely irreconcilable to the fundamental rights of this nation. That we conceive this Act, and the claims it advances, to be the great and principal cause of the discontents and jealousies in this kingdom.

"To assure His Majesty that His Majesty's Commons of Ireland do most sincerely wish that all bills which become law in Ireland should receive the approbation of His Majesty under the Great Seal of Britain; but that yet we do consider the practice of stopping our bills in the councils of Ireland, or altering them anywhere, to be another just cause of discontent and jealousy.

"To assure His Majesty, that an Act entitled 'An Act for the better accommodation of His Majesty's forces,' being unlimited in duration and defective in other instances, but passed in that shape from the particular circumstances of the times, is another just cause of discontent and jealousy in this kingdom.

"That we have submitted these, the principal causes of the present discontent and jealousy of Ireland, and remain in humble expectation of redress.

"That we have the greatest reliance on His Majesty's wisdom, the most sanguine expectations from his virtuous choice of a Chief Governor, and great confidence in the wise, auspicious, and constitutional councils, which we see with satisfaction His Majesty has adopted.

"That we have, moreover, a high sense and veneration for the British character, and do therefore conceive that the proceedings of this country, founded as they are in right and tempered by duty, must have *excited the approbation and esteem, instead of wounding the pride*, of the British nation. And we beg leave

to assure His Majesty that we are the more confirmed in this hope, inasmuch as the people of this kingdom have never expressed a desire to share the freedom of England without a determination to share her fate likewise, standing and falling with the British nation."

The following letter, however, from Mr. Grattan to the author appearing to throw new and material light upon the subject, and to develop the individual views and politics of Mr. Grattan himself more clearly than any speech or document heretofore published, the author gives it to the public. He publishes it also (now that the writer is no more) as the most honourable and decisive refutation of those vicious calumnies which the obdurate malevolence of a rancorous Chancellor, Lord Clare, and the vulgar libels of a muddling Corporation (Dublin), endeavoured to cast upon the most disinterested and steady friend of British connection.

This letter also proves, more than volumes, the insincerity of the Duke of Portland and the English Government: their distinction between the words "recognised" and "established," leaves their political *reservation* beyond the reach of scepticism.

The letter shows palpably the ruin that a want of *co-operation* between two great men brought upon the country; and, above all, it incidentally exposes the courtly, credulous, and feeble politics of Earl Charlemont, which was on this occasion fatal to its security. Patriots WITHOUT ENERGY, as bees without stings, may buzz in sunshine, but can neither defend their lives nor assail the enemy.

" House of Commons, London,
March 2nd.

" My Dear Barrington,—I am excessively sorry that your health has been impaired, and I hope it will soon be restored.

" I will get you the Whig Club resolution. They proposed to obtain an internal reform of Parliament,

“ in which they partly succeeded : they proposed to
 “ prevent an Union, in which they failed.

“ THE ADDRESS THAT DECLARED NO POLITICAL QUESTION REMAINED BETWEEN THE TWO COUNTRIES, HAD
 “ IN VIEW TO STOP THE GROWTH OF DEMAND, and
 “ preserve entire the annexation of the Crown. It
 “ was, to us, an object to prevent any future political
 “ discussion touching the relative state of the two
 “ countries, because we might not be so strong as in
 “ that moment. And it was an object to us, and to the
 “ English minister, to guard against any discussion that
 “ might shake the connection to which we were equally
 “ attached. FOX WISHED SINCERELY FOR THE LIBERTY
 “ OF IRELAND WITHOUT RESERVE. HE WAS AN ENEMY
 “ TO AN UNION, AND WISHED THE FREEDOM TO BE ANNEXED
 “ TO HIS NAME.

“ The act of repeal was a part of a treaty with
 “ England. A declaratory act of title is the affirmance
 “ of the existence of a former title ; the repeal is a
 “ disaffirmance of any such former title ; the more so
 “ when accompanied by a transfer of the possession,
 “ viz., the transfer of the final judicature and the
 “ legislation for the colony trade of the new acquired
 “ islands, made in consequence of a protest by Ireland
 “ against the claim of England.

“ The repeal was not any confession of usurpation ;
 “ it was a disclaimer of any right. YOU MUST SUPPOSE
 “ WHAT I HAVE SAID, UNSAID. A man of spirit may say
 “ *that*, but he will hesitate to unsay *word by word*. That
 “ was the case of England. She would not in so many
 “ words confess her usurpation, nor did she ; on the
 “ contrary, when they pressed her, she exercised the
 “ power and said, ‘ The constitution of Ireland is
 “ established and ascertained in future by the authority
 “ of the British Parliament.’ It was proposed in the
 “ House of Commons to change the words and say,
 “ ‘ recognised for ever.’ THEY AGREED TO THE WORDS
 “ ‘ FOR EVER,’ AND REFUSED THE WORD ‘ RECOGNISED,’
 “ AND KEPT IN THE WORD ‘ ESTABLISHED.’ THIS I CALL
 “ MAKING IRELAND FREE WITH THE VENGEANCE.

"I wish, in your history, you would put down the argument on both sides. I can get you Flood's, published by his authority.

"I am excessively thankful for the many handsome things you have said of me.

"Yours most truly,

"HENRY GRATTAN.

"Chevalier Barrington,
"Boulogne, près Paris."

Before addressing myself to the confessions of Mr. Grattan, which manifestly show the total inadequacy of his own arguments and measures in 1782, I would lay before the reader the repeal of the declaratory law of Geo. I., with Sir Jonah Barrington's well matured opinion, founded on unquestionable sources of information, at least on this transaction.

Repeal of the Act of 6 Geo. I.

"An Act to repeal an Act made in the sixth year of the reign of His late Majesty King George I., entitled 'An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain.' Whereas an Act was passed in the sixth year of the reign of His late Majesty King George I., entitled 'An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain;' May it please Your Most Excellent Majesty, that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the consent and advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the above-mentioned Act, and the several matters and things therein contained, shall be, and is, and are hereby repealed."

Thus stood the British concession to Ireland in 1782; one more ominous in its expression, and

indistinct in its purview, could scarcely be conveyed. The indecorous haste of this Act of Repeal was in keeping with the wording of the enactment which left

The Statute of Sir Edward Poynings,
The Explanatory Law of Phillip and Mary,
The Interpretation of the Jurists of James I.,
The Commentary and Explanation of Blackstone,
all remaining unnoticed and unrepealed on the statute-book.

Sir Jonah Barrington remarks:—"The British Ministry and Parliament now began to feel their own weakness. Their intolerance degenerated into fear; and responsibility began to stare them in the face. The loss of America had been got over by their predecessors without an impeachment; but that of Ireland would not have passed over with the same impunity. The British Cabinet had already signed the CAPITULATION, and thought it impossible to carry it into execution. Bills to enact the concessions demanded by Ireland were therefore prepared with an expedition nearly bordering on precipitancy. The 6th of George I., declaratory of and establishing the supremacy of England and the eternal dependence of Ireland on the Parliament and Cabinet of Great Britain, was now hastily repealed without debate or any qualification by the British Legislature. This repeal received the royal assent, and a copy was instantly transmitted to the Irish Viceroy, and communicated by circulars to the volunteer commanders.

"Thus the doctrine of Blackstone, that venerated Druid of English jurisprudence, who by his dictum had tried to seal the slavery of the Irish people, was surrendered as unconstitutional, and renounced by the very same legislature that had enacted it. As England drooped, Ireland raised her head; and for a moment she was arrayed with all the exterior insignia of an independent nation."

It is clear then, almost to a demonstration, that no international transaction of the first importance was

ever so undiplomatically negotiated as that of 1782. But before proceeding further I shall briefly make an analysis of the documents which form the base of the claims of Ireland, inadequately expressed in Mr. Grattan's motion of the 15th of April, 1782. I had traced in the First Part of my "Historical Review," a synthetical argument from a long course of years, that whenever the Irish parliaments were convened they had always manifested an unreserved devotion to the duties of a legislative assembly; and that there never was an interruption of this national feeling, except when British power, avarice, and monopoly interposed. In following the sequence of events, we shall see the same fiends of dominion pursuing with relentless hate all opposing obstacles.

In the first document we have the Parliament of Ireland struggling against power and avarice for the application of the revenues of Ireland, drawn from the resources of the kingdom; and that from 1749 to 1753, strong resentments were engendered; that two vital privileges were contested or violated; and to close all further opposition, a law was introduced which was an insult to any nation.

2. The declaratory law of Geo. I. was that law; one of the most arrogant and arbitrary enactments which was ever applied to Ireland, not only in the express and emphatic terms of its style, but the daring usurpation of its purview. This produced indignation and that quiet compulsory submission which only abides its time to reject with disdain the ignoble marks of bondage, and this sentiment was manifested on the first fitting occasion. Never in the histories of Rome or Greece was there a finer example of unanimity of spirit "*to be free*"—free from a yoke that from 1495 to 1782 had scarcely ever been removed—it had been by the force of events and circumstances alleviated, but never removed. The declaration of American independence gave the opportunity—OPPORTUNITY, which, when well used, is victory! In 1780, Irishmen were of one mind

equal to the achievement of their legislative independence, all they wanted was a competent leader, who from his experience in legislation and diplomacy—well and deeply read in international law, experienced in the ways of statesmen, and versed in the sinuosities of governments, and especially with the systematic principles of Great Britain, with her dependencies and foreign relations—a man, lofty, eloquent, and grand—a man, important from his position, independent by his fortune and his connections. Ireland lost her opportunity by trusting to a Bill of Rights so imperfect. It should have been the repeal of all laws from Henry VII. to Geo. I. affecting in *any manner* the independence of the Irish Legislatures, the complete and free action of the appellate jurisdiction for the kingdom of Ireland expressed in an Act by the British Parliament, thus to render “NULL AND VOID,”—to use the terms of Sir Edward Poynings,—all statutes enacted during the Tudors, Stuart, and Guelph dynasties, contravening the free exercise of legislative and judicial powers of the Irish Parliaments. This was evidently the ardent desire of the kingdom of Ireland in 1782.

The example of the American colonies was but as yesterday; the mode, no *less* than the necessity, required the most careful stipulations, insisted on with the distinctness of a Franklin, and the firm moderation of a Washington. Such a treaty was not incompatible with loyalty to the Crown and connection with the British empire; such a course would have been consistent with diplomacy—with international law—with the history of negotiations on all transcendent and serious topics involving the welfare of nations for generations, possibly for ever. This indeed would be to take “the bridle *out* of the mouth of the Irish Parliaments,” to invert the expression of Mr. Whiteside. But it is a painful lesson and a melancholy truth to find Mr. Grattan writing forty years after the recantation of his own *words and arguments*, and we have in this letter a *testimony* of his end and his misconceptions; his friend

and historian Sir Jonah Barrington states frankly and honestly the same fact. It becomes the serious and responsible duty of an historical writer, to carefully weigh and consider the promoters, the chief negociators in a great international transaction, such as that between England and her revolted colony of America, and that between England and Ireland in 1782; it is as painful to perceive, as it is disastrous to trace, the utter incompetency of the Irish negociators, and the fatal incompleteness of Irish legislative independence, the great aim and object of Ireland for five hundred years.

First then, Lord Charlemont, the principal agent with the British Viceroy in 1782, was a nobleman of amiable nature and gentle virtues, graceful in literary tastes, and alive to all the charms of the Muses. The feebleness of his health, particularly of his eyesight, limited his pursuits, and obliged his attentive ear to supply him from the resources of others. He, from his constant patriotism, his large sympathies with Irish grievances, the general of the volunteers, the champion of Irish legislative independence in the *salons* of the Viceroys, for thirty years and more the supporter and patron of Doctor Lucas, the friend and associate of Mr. Flood, was now called by the Duke of Portland to take a leading part in the transaction of 1782, for the establishment of an Independent Legislature of his country. He naturally called in his representative for the borough of Charlemont, Mr. Grattan, who since 1775, had been returned for that seat. Mr. Grattan, as we shall see, was far less likely to be a negociator equal to such a responsibility involving the ultimate destiny of Ireland, than Lord Charlemont, whose hesitating and sectarian policy was narrow and incompatible with the past history of Ireland.

The motion for the liberties of Ireland was entrusted to Mr. Grattan as Lord Charlemont's representative in Parliament; and Sir Jonah Barrington briefly but *graphically* describes the interview with the Duke of

Portland previous to the motion being moved in the Commons.

Mr. Grattan was about 32 years of age in 1782. After his college course in Dublin he lived in an obscure way at Windsor, with his friend Broom. His father had been Recorder of Dublin, and had not acquired wealth or position. In 1772 Henry Grattan returned to Ireland, and was a constant listener at the House of Commons, and attended the Debating Clubs, then the resort of aspirants to public life in both kingdoms. It was probably the first time he took any serious notice of Irish history; for Ireland before this time, 1772, he had no particular regard, and indeed had no reason, being without hereditary interests in the country. The death of the Hon. Mr. Caulfield opened a way into the Irish Commons; in October he was elected, but the biennial sessions of the Irish parliaments gave him no fair opportunity of showing his talents and his patriotism till towards the close of the first American War of Independence, this was *the occasion*; and in 1779 he brought in his first important motion for free "IMPORTS and EXPORTS," hence he rose gradually into fame, and became the idol of the volunteers and the nation. The tour of inspection he made as aide-de-camp to Lord Charlemont to the north of Ireland very much contributed to make familiar his name and his character. Unpractised in parliamentary life, unskilled in diplomatic affairs, unacquainted with courts and cabinets, with the peculiarities of men, the divided interests of many influential landlords of Ireland, the depending English Whig party looking constantly and eagerly for place and title, he could not be expected to reconcile so many conflicting interests. The Irish party, *wearied* by the Sysiphean labour of rolling continually back the weight of past years,—past centuries—hoped to see in a near prospective a close to their toils. This, indeed, demanded a man of profound sagacity, unyielding *character*, and of that *political* courage that would take

advantage of events without complacency or deference to any power:—that man was not Grattan. The year 1781 had seen the acknowledgment of American independence by great Britain, subsequently recognised in a treaty of unreserved acknowledgment.

A Franklin, a Jefferson, or a Washington, would have at once seized the *opportunity* and achieved victory, the securing for her the legislative independence, appellate jurisdiction and commercial freedom for the kingdom of Ireland; for this achievement Grattan was not the man—he failed. “His credulity” (to use the expression of Barrington) his inexperience and unacquaintance in the art of government completely unfitted him for a great responsibility—the future destiny of a nation.

The reader will have only to turn and attentively examine the pages of Sir Jonah Barrington in his valuable historical memoirs of the “Irish Union” (quarto edition) to find everywhere the circumventions, intrigues, and insincerities of leading influential men, which events and public documents have completely confirmed, as well as Grattan’s own letter, printed in the preceding pages.

The loyal and patriotic statements of Sir Jonah Barrington, confirmed as they are by official and historical papers, must be accepted, as, on the whole, the most correct version of the transaction of 1782. Macaulay and Burke lend their evidence to the same end; that “the avarice of power” was the main object of Pitt through the aristocracy; that of Fox to *rule supremely* through *popular* opinion; that of the Duke of Portland to govern Ireland by dividing the parliament into two *essentially different interests*.

We shall look on the portraits of these distinguished men, and we shall perceive how completely Grattan was deceived throughout.

“Mr. Fox never had any especial predilection for Ireland. He was ignorant equally of her rights and “her localities; and he considered her only as the

“segment of a great circle, which he laboured to encompass. He wielded the grievances of Ireland only as an instrument of opposition to the Crown, or a weapon of offence against the Ministry. He was a great man, with a popular ambition, and assumed the hereditary title of Whig, when the professed principles joined to it had nearly become obsolete. Mr. Pitt had in view the very same object—TO RULE; and they only differed in the means of effecting it. The one wished to rise upon the shoulders of the people, the other to be elevated upon those of the aristocracy. But the ambition of both was to govern the empire; and of both to rule the Monarch and control his Council. Their rivalry was of party, and their struggle was for power; but Ireland, as a distinct abstract consideration, never gave one hour’s solicitude to either the one or the other of those celebrated Ministers.

“The Duke of Portland was not of sufficient talent or weight to lead the ministry; but he had enough of both to be an efficient accessory. A man of plain, fair, undistinguished reputation, can effect important acts of duplicity with less suspicion and more facility than more prominent and energetic personages; and when the moment of development arrives, he can plead the honesty of his character, and the error of his judgment, or at the worst, he probably gains a great point, and can only lose a narrow reputation; such a loss, too, as gives him a stronger claim upon the Crown, in whose service he has made the sacrifice.”

These observations may be interesting, as decidedly applicable to the administration of the Duke of Portland. His grace’s conduct and speeches on the question of the Union, in 1800, leave no doubt that the whole tenor of his conduct, in 1782, must have been a premeditated tissue of dissimulation. (“Historical Memoirs,” p. 14.)

I have now placed before the reader portraits of the principal politicians who negotiated the TRANSACTION OF

1782: to add more would be to overcharge the picture and confuse the view. I shall now pass on to the "DECLARATION OF IRISH RIGHTS," a misnomer of the first importance, since it caused a delusive hope to the Irish nation, and had no base whereon a firm and distinct polity could be founded. It was, in fact, an Address to the Crown, drawn up by Mr. Grattan with the concurrence and approbation of Lord Charlemont and the Duke of Portland, at once adulatory and servile. An address of compliment and professions was out of place and tone with the just demands of the Irish nation, of every creed and rank. It was the moment of decisive and irrevocable adjustment of Irish legislative independence of rights just as positive as were ever extorted from King John by his vassals, or from Charles I. by the Commonwealth. It was a moment of high diplomacy, noble conceptions, of loyal but unalterable national will. Mr. Grattan was inferior to this position; a negotiator who did not comprehend his instructions: in this interpretation I am sustained by ample evidence.

"The Recorder of, and Member for, Dublin, Sir Samuel Bradstreet, a strong-minded, public-spirited man, an able lawyer, and independent Member of Parliament; of a rough, decisive, firm deportment, was the first who ventured to insinuate his dissent from the Address, and his suspicions of the Duke's sincerity. He entirely objected to that sweeping clause of Mr. Grattan's Address—'That all constitutional questions between the two countries were at an end.' He stated that many were not yet touched upon—many that were vital to Irish independence still remained unnoticed, for he insisted that the Irish Parliament actually sat at that moment under an English statute; and that the Address, as moved, was in some instances premature—in others too comprehensive—in all defective. Subsequent events have since proved the soundness and the acuteness of his judgment and his foresight."

Mr. Walshe, a member of the House of Commons, who enjoyed a reputation for a very considerable legal capacity, distinguished himself by a bold and fearless opposition to the Address to the Crown. He was one of the few members free from strong party prepossessions, and I infer had no object in his opposition but the desire to point out the grave defectiveness of Mr. Grattan's incautious Address, and the inadequacy of the Declaration of Rights to effect the long desired object of the nation—its legislative independence. He expresses himself on the motion before the House in the following words:—"Until England declares irrevocably by an *Act of HER OWN LEGISLATURE*, that she had no right in any instance to make laws to bind Ireland, the *usurped powers of English legislature never can be considered by us as relinquished*; we want not the *cessions* of England to restore us our liberties. *If we are true to ourselves*, we possess the fortitude, we possess the will, and, thank God, we possess the power to assert our rights as men, and accomplish our independence as a nation." ("Parl. Debates," vol. iv.)

Grattan was expected by the volunteers to secure finally and irrevocably Irish legislative independence; such in fact was his mission. It was not by any means less than a formal acknowledgment by treaty, and an Act of the British Parliament renouncing the power of *previous statutes*, that a real constitutional freedom could be obtained for Ireland. The undiplomatic address of Grattan and imperfect "Declaration of Rights" were insufficient to the end in view, as proclaimed by every county of Ireland.

National writers who were present on the ever memorable 15th of April, 1782, have left animated descriptions of the scene of rejoicing produced in Dublin at the opening of this session of Parliament, surpassing all previous ones, at the prospect of securing on a firm basis a legislative independence; for so many centuries a subject of disquietude to the Irish nation. *The House of Commons presented a scene without*

example: A full House of three hundred members, most of whom were officers of the Volunteers in uniform; the galleries extending round the circle of the dome were occupied by seven hundred persons of rank, many of whom were ladies of distinction, dressed in colours of the regiments of volunteers to which their husbands were attached; every thing bore the aspect of surpassing splendour, and every one appeared animated by one noble patriotic sentiment, unequalled in any national assembly in the history of Europe. Ireland had then a numerous nobility, profuse and magnificent in taste, generous, enthusiastic, and polite; adding the grace of the refined Irish gentlemen to an hospitality almost boundless. Nor were the landed gentry of those days inferior to their titled brethren in all the qualities which could honour or adorn a nation; and it is singular that Ireland could fall or succumb where talents of every degree could be found, and where genius seemed to have no limits within the compass of thought.

The Duke of Portland, Viceroy of Ireland, must have been inexpressibly struck with so extraordinary a sight; from the Castle to the House of Commons, the Volunteers of Ireland formed a guard of honour and of homage to a nobleman whom they supposed was about to express in royal words, every concession a spirited people guided by their parliaments could reasonably demand. The speech from the Viceregal Throne was equal to the expectation; but it was for the Commons themselves to point out with distinctness, not to be misunderstood, the important object of this session.

This was a duty of the highest order, and which required a style and precision of expression and a mind of inflexible firmness. The example of the previous session of 1779 was before them, when the government of Lord Buckinghamshire indicated little alacrity to accept the demand for "FREE TRADE" (as the amendment of Flood and Burgh defined the motion of Grattan and Daly). All Ireland agreed on that occasion that

FREE TRADE was the means of recovering the nation from torpor and destitution. Though voted by acclamation in parliament, and honoured by the most remarkable oration out of doors, yet the Viceroy's dispatch was in the tone of complaint, and the British Cabinet never conceded that measure to Ireland. Commercial propositions were subsequently presented in 1774, but were abortive. The same mover had the experience of the past fresh on his mind.

Henry Grattan the brilliant and popular orator of 1779 was again to appear in the most conspicuous position, which the force of events and the accidents of life combined to make the most interesting event in the parliamentary career of any man.

As the representative of Lord Charlemont in the House of Commons, as aide-de-camp to him, and Colonel in the Volunteers, he represented the nation: new in political life, and of an eloquence surpassing most other men, he was entrusted to move the Address to the Throne which, while it was fervid, brilliant, and effective to carry away the admiration of all present, and even throughout the land, yet it had the defects of an enthusiastic nature, full of confidence and dependency, probably inseparable from that description of oratory, where the finest and most difficult figures are worked through the mazes of the imagination. The splendid efforts of the orator had all the enervating effects of subduing the reason to the control of the most impassioned eloquence.

The firm tone of remonstrance and the calm accents of diplomacy would have been more in keeping with the previous history of Ireland and the occasion. The incautious passages of the Address had been pointed out at once by experienced public men, the Recorder of Dublin and Member for the City, and by Mr. Walshe, an able lawyer, of inflexible national principles. Grattan, however, was mover of the Address, and as such expressed the views of the Duke of Portland, the Government, Lord Charlemont, and the numerous *English Whig* party, headed by Mr. George Ponsonby,

Mr. Connolly, Mr. Daly, Mr. Hutchinson, with all the officials, and many independent members of the Commons. But whatever defects in a diplomatic and legal sense might be attributed to the Address, no defects of either sort should have been tolerated in the "Declaration of Rights" of the Irish people, moved by Mr. Grattan on the following day, April 16th, 1782. This in fact is one of the weakest and most inadequate State Papers that was ever presented to a King by a nation writhing under every possible grievance. It is supplicating when it ought to be demanding,—it is assenting when it ought to be exacting,—it is trivial and complimentary when it ought to be remonstrative and serious; it had the smooth inexplicitness of the courtier rather than the manly decision of the patriot; it is more after the style of Charlemont or Daly than the clear, energetic composition of Grattan; it asserts what Molyneux had asserted in 1692 without avail; it asserts what the Statute of Drogheda had destroyed in 1495; it solicits the repeal of a law of 1720, "for the better SECURING THE DEPENDENCY OF IRELAND," which was an insult, and should never have been imposed; it solicits the non-interference of the Privy Council when it had become innoxious; it solicits the repeal of an unlimited Mutiny Act when there were no troops to quarter.

And this "Declaration" is in the tone of a suppliant, for it says: "That we have SUBMITTED these, the "principal causes of the PRESENT DISCONTENTS AND "JEALOUSIES OF IRELAND, AND REMAIN IN HUMBLE EXPECTATION of redress!" No wonder the sudden change in the public mind which ensued.

We have seen Mr. Grattan rather in the character of a mediator between the Government and the Irish nation in arms, than the bold patriot who cuts through the links of a long-endured bondage, or the wise statesman who closes for ever, by resolutions and by treaty, a political irritation which must otherwise eventuate in civil war, and actually did so. It was not, indeed, the

first time a great orator had mistaken the way to the Temple of Minerva. The graceful address,—the lofty invocations,—and the brilliant antithesis,—delight the ear and gratify the imagination: and Hyperides could not have done more when he addressed the Archons, and denuded the figure of Phryné before their judgment seat. Perfect as such orators are, more is expected from the statesman—he has to settle the future happiness of millions. We have seen by the clear and emphatic words of Sir Samuel Bradstreet, a lawyer of no mean condition, that Grattan was wrong from the outset: and the whole body of lawyers were of this opinion but a short month subsequent. In his letter Grattan states that the *English* MINISTER, the Government, and the Whig party supported him in the expression on the Address that declared no political question remained between the two countries, which had in view to stop the growth of demand. Such a statement would have been incredible had not Grattan deliberately written this letter to his historian of the transaction of 1782. His “Declaration of Rights,” which followed the Address to the Throne, had neither the comprehensiveness of Molyneux, nor the severe energy of Flood. Above all, his letter is a painful instance wherein we perceive the tenacity of Grattan’s mind and character, adhering with a reckless instinct to obsolete arguments, which reason, legislation, and events had demonstrated to be the baseless fabric of a vision. As an historical document, coming from the principal actor on the scene, the letter of Grattan is worthy of serious reflection. It conflicts with the statement made by the Duke of Portland in the House of Lords; it conflicts with what Mr. Fox said in the House of Commons, what he wrote to Lord Charlemont; it conflicts with what Burke wrote in the Annual Register of 1782, as the opinion of Fox and himself. Fox, writes Grattan, was AGAINST THE UNION, AND HAD WISHED TO IDENTIFY HIS NAME AND FAME WITH THE INDEPENDENCE OF THE IRISH LEGISLATURE; yet we

have abundant evidence that Fox disclaimed this, and any acquaintance with Irish affairs. Mr. Grattan confounds all that he had done and said by this letter, particularly by the last sentence.

It was proposed in the House of Commons to change the words and say, "recognised for ever;" they agreed to the words "for ever," but refused the word "recognised," and kept in the word "established." This I call making IRELAND FREE WITH A VENGEANCE!

Such is Mr. Grattan's own interpretation of all his efforts for Irish independence.

To Mr. Hutchinson was generally attributed the political tuition of Grattan. He was a member of the House of Commons of long and large experience, who had always attached himself to the English Whig party in Ireland, and joined to his love of place liberal opinions. Singular enough, in a long course of years he continued to hold official rank under many successive governments. Moderate and meditative in his politics, he knew perfectly well the wants and necessities of Ireland, yet his love of rank and official power restrained his efforts to the circumscription of place. He was named Provost of Trinity College without any adequate acquaintance with the Greek or Roman classics. He fearlessly faced the Collegians whose lampoons and satires were shot forth with considerable truth and accuracy, and a volume of pungent wit and telling sarcasm was published, called the "PRANCERIANA," intended to mark Provost Hutchinson's manner of speaking, and his bold contempt for classical rules. Hutchinson was not to be deterred by missiles so light and fugitive, and he only doffed the cap and gown of the university to accept the more stately office of Secretary of State for Ireland. Such was the tutor and mentor of Grattan. As the organ of the Duke of Portland, the Secretary of State announced to the Commons, on the 16th of April, that he was commanded to convey to the House a Message from the King,—*That the House do take into consideration the*

state of Ireland, with a view to propose *some* measure of "FINAL ADJUSTMENT." This expression was not only to be the text for the mover, but the tone and policy of the session—a final "adjustment." It is curious to remark here, that on this important day all the principal supporters but one were either placemen or place-men in expectancy.

Mr. Grattan at once accepted the condition, and irrevocably took his stand on the simple repeal of 6th of Geo. I. Here was the base and principle, beyond which no further demand was to be made. He had the approval of the Duke of Portland and the English Minister, the support of the official and non-official Whig party, numerous and influential, and of the country gentlemen in the House, headed by Mr. Brownlow. Grattan felt the strength he had behind him, and which gave him a confidence that reached to temerity.

That Address had, in plain language, renounced all further constitutional claims by the Irish Parliament; and the distinguished mover could not recede from such his own reiterated declarations. Mr. Flood, however, remained unshaken and firm in his opinion of the insufficiency of the arrangement, and determined to increase their security, through an unequivocal act of the Irish Legislature; and on the 29th day of July he moved for leave to bring in a Bill "to affirm the sole "exclusive right of the Irish Parliament to make laws "affecting that country, in all concerns, EXTERNAL and "INTERNAL, whatsoever." A most animated, and even virulent, debate took place on that *motion*. It was debated with great ability, but ill-placed confidence, or ill-timed moderation, still guided the majority of the Commons; and even the introduction of the Bill was negatived without a division.

Mr. Grattan, heated by the language of his rival, blinded by an unlimited confidence in the integrity of *the Whig Ministry*, and for a moment losing sight of *the first principle* of constitutional liberty, then pro-

posed a motion equally singular for the language of its oxordium and the extravagance of its matter. He moved, "That the Legislature of Ireland was independent, and that any person who should propagate, in WRITING or OTHERWISE, an OPINION that any right whatsoever, whether external or internal, existed in any other Parliament, or COULD BE REVIVED, was inimical to both kingdoms."

The ingenuity of man could scarcely have formed a more objectionable precedent or dangerous resolution. It was too great an opportunity not to be taken immediate advantage of by Mr. Flood, his reply was equally severe and able. He represented the resolution as "placing Ireland in a state of tyranny worse than Russia; prohibiting both the Lords and Commons of Ireland, under a denunciation of being enemies to their country, from the common rights of every British citizen to discuss the same constitutional question which had been so often before, and was at that very moment debating in the House of Parliament; depriving every Irish subject of his natural liberty either of speech or of writing; a proscription against all who differed with the honourable gentleman on a vital question respecting his own country, or who should presume to publish, or even to whisper, that difference; a resolution which would be scoffed in Ireland, ridiculed in Great Britain, and be contemptible in both—a resolution which could have no character to support it, but those of folly and tyranny." He therefore moved an adjournment.

The tide, however, flowed too strong against Mr. Flood personally. It was the great object of the Government to conquer him first, and then neutralize his adversary; and even those who were determined to negative Mr. Grattan's motion also determined to negative the motion of adjournment because it was Mr. Flood's, and a considerable majority decided against it. Mr. Grattan then proposed another declaratory resolution, stretching away from the real

facts as to any political application of those that existed, but unaccompanied by most of the former objections; and, at all events, leaving both his own and Mr. Flood's principles nearly where it found them at the commencement of the altercation. Mr. Grattan moved, that leave was "refused to bring in the (Mr. Flood's) Bill, because the sole and exclusive right to legislate for Ireland in all cases whatsoever, internally and externally, had been asserted by the Parliament of Ireland, and had been fully, finally, and irrevocably acknowledged by the British Parliament."

This resolution obviously *stated some facts which DID NOT EXIST. No final irrevocable acknowledgment ever had been made by the British Parliament, on the contrary, acts had been done* and declarations made by the Minister himself, that a future treaty would be necessary to render the arrangement full, final, or irrevocable. Mr. Flood saw the weak point, and he possessed himself of it. He altered his language, became satiric, and ridiculed the resolution as the "innocent child of fiction and of fancy." He congratulated Mr. Grattan on changing his tone, and declared "that he would willingly leave him in the full enjoyment of this new production of his lively imagination." Mr. Grattan's motion then passed without further observation, and the House adjourned. ("Memoirs of the Legislative Union," p. 108.)

NOTE.—As a legislator or negotiator Grattan was inferior to many; he had in fact no capacity for this more profound duty of a public man.

We have seen that Sir Samuel Bradstreet and Mr. Walshe were better opinions on two points of international law.

The Place Bill of Grattan was a sad mistake for Ireland, though a strong instance of his infirmity pointed out by Barrington, who says, "Mr. Grattan did not always foresee the remote operations of his projects. His PLACE BILL of 1794, while it partially effected the object designed, MOST CERTAINLY, by one of its clauses, LOST both PARLIAMENT and CONSTITUTION." (Vol. ii. p. 200.)

MR. FLOOD—FROM 1782 TO 1790.

His policy for the establishment of Irish Independence on a permanent basis: "The perpetual union of the Crowns, but the perpetual separation of the Legislatures."

Mr. Flood's views were opposed to those of Mr. Grattan for the obtainment of a "final adjustment" between the two kingdoms. The crisis had arrived for a decisive and irrevocable policy accurately defined by Acts of both Parliaments; for the experience of history, the principles of international law, the example of treaties and conventions, the axioms of diplomacy, all pointed to one uniform course of action—a treaty of non-intervention in legislative affairs respectively; for the power of a State to exercise internal and external legislation, the appellate jurisdiction, being the highest function of sovereign authority of an independent condition, cannot be interfered with. So long as two kingdoms co-existing under the same Crown, the one that assumes the power for legislating in any way for the other, usurps a right not conceded to her, and creates internal dissension in the other, by reason of the inferior position thus imposed. Against the domination of the stronger, all States annexed either by conquest or treaty have almost uniformly resisted with success. In reference to the policy of Mr. Flood for Ireland, Mr. Fox in the English House of Commons observed, on the repeal of the sixth of George I., "that the repeal of that statute could not stand ALONE, but must be accompanied by a final adjustment, and by a solid basis of permanent connection." He said, "that some plans of that nature would be laid before the Irish Parliament by the Irish ministers, and a TREATY entered upon; which TREATY, when proceeded on, might be adopted by both parliaments, and finally become an IRREVOCABLE arrangement between the two countries."

By that short but most important speech, the Irish delusion of a final adjustment, as proposed by Mr. Hutchinson and Mr. Grattan on the 15th of April, was in a moment dissipated. The necessity of such a course as that pointed out by Mr. Fox was now strikingly manifested by the judicial decision of Lord Mansfield, one of the ablest and most eloquent judges that adorned the reign of George III.; who, notwithstanding the repeal of the 6th George I. by the British Parliament, entertained, in the Court of King's Bench at Westminster, an Appeal from the Court of King's Bench of Ireland; observing, that "he knew no law depriving "the British Court of its vested jurisdiction."

In one word, the repeal of 6th George I. appeared to most men constitutionally inconclusive; the supremacy of England was reasserted by its own Chief Justice, and Ireland appeared still subject to a struggle for an important branch of her independence.

The effect of this proceeding was sufficiently alarming; but another exciting circumstance immediately took place, of a still higher order. The English Parliament passed an Act regulating the importation of sugars from St. Domingo to all His Majesty's dominions in Europe. Ireland was a part of His Majesty's dominions in Europe, and this statute was construed as of course embracing Ireland, and thereby constituting an act of external legislation over Irish concerns by the King of England and Parliament of Great Britain, without the concurrence of the Irish legislature.

The conduct of Lord Abingdon, in the British Lords, rendered all further confidence in the state of the arrangement between the two countries, as it then stood, totally inadmissible; it was too explicit to be mistaken. Lord Abingdon, equally adverse to the rights of Ireland, followed, in the House of Peers, the example of Sir George Young in the House of Commons; and totally denying the authority of the King and the Parliament of England to emancipate Ireland, he *moved for leave to bring in a Declaratory Bill, to re-*

assert the right of England to legislate externally in the CONCERNS of Ireland. This remarkable Bill stated "that the Kings of England being masters of the British seas for eighteen centuries, and the Western Sea, which surrounded Ireland, belonging to the Kings of England, the British Parliament had the sole right to make laws to regulate the commerce of Ireland," &c.

It was impossible now for the Irish nation longer to remain silent. The aggregate of all these circumstances went clearly to a simultaneous attack upon the new independence of Ireland, and a decisive proof of what might occur when Great Britain acquired sufficient vigour to reassert with any prospect of enforcing her supremacy.

Lord Abingdon's attempt was candid and direct, and above all others alarmed the Irish people. The Volunteers beat to arms throughout the whole kingdom. All confidence in the sincerity of the ministry—its cabinet—its officers—its parliaments, was dissipated; and there were not wanting persons who believed, and disseminated their opinion, that the rights of Ireland were *actually betrayed*. The danger and confusion of the times hourly increased. Mr. Flood preserved his firmness and his dignity, and gained much ground amongst the people. The repeal of the 6th George I. could no longer be urged as a guarantee; the sincerity of England could no longer be relied upon; the people began to act for themselves, and the Irish Government was driven back to its old practices, and endeavoured by every means within its power to diminish the number and overwhelming weight of their Parliamentary opponents. Government at length became sensible to the danger of their situation. They felt the impossibility of further evasion; and early in the ensuing session the British Ministry and the British Parliament, without any stimulating debate, and without waiting for further and peremptory remonstrances from Ireland, passed the

most important statute that had ever been enacted as to the affairs of Ireland,—a statute unequivocally and explicitly renouncing all FUTURE right to legislate for Ireland. They thereby appeared to have abrogated for ever that principle of usurpation, which they had for so many ages pertinaciously and unjustly exercised.

This Act of Renunciation, however, appeared superficially to have a conclusive operation. It was conceived by many that nothing further was necessary to be done but such as the Irish Parliament was now in itself competent to enact. But though the measure tended to give a strong confidence in the good intentions of the British Parliament, it came too late to satisfy the Irish people as to the purity of their own. On the contrary, it convinced them of either its inefficiency or its corruption, or the Renunciation Act of the British Parliament would have been totally unnecessary. Mr. Flood's argument now appeared not only triumphant in Ireland, but fully acknowledged, and legislatively acted upon, even by Great Britain herself. The unfortunate opposition in the Irish Commons, and the still more unfortunate majorities of that House, which had scouted doctrines and measures thus subsequently admitted to be just and necessary by the voluntary acts of England herself, made a deep impression on the Volunteers of Ireland.

It was true they had acquired their liberties, they had gained their independence; but they still had to secure it. The Renunciation Act of England had discredited the Irish Parliament with the Irish people. But it had its apology. It had been so long enfeebled and corrupted, so long within the iron trammels of usurpation, that the chain had become habitual, and therefore it was more to be dreaded that its broken links might be rivetted anew, and Ireland, in the course of time, sink again under the same power which had originally enslaved it.

British Act of Renunciation, passed by the English Parliament, January, 1783, Geo. III. Regis.

“ An Act for removing and preventing all doubts which have arisen, or might arise, concerning the exclusive Rights of the Parliament and Courts of Ireland, in matters of legislation and judicature ; and for preventing any writ of error or appeal from any of His Majesty’s Courts in that Kingdom from being received, heard, and adjudged in any of His Majesty’s Courts in the Kingdom of Great Britain : Whereas, by an Act of the last Session of this present Parliament, intituled an Act to repeal an Act made in the sixth year of the reign of his late Majesty King George the First (intituled an Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain) it was enacted, that the said last mentioned Act, and all matters and things therein contained, should be repealed : And whereas doubts have arisen whether the provisions of the said Act are sufficient to secure to the people of Ireland the Rights claimed by them to be bound only by laws enacted by His Majesty and the Parliament of that Kingdom in all cases whatever, and to have all actions and suits at law, or in equity, which may be instituted in that Kingdom, decided in His Majesty’s Courts therein finally, and without appeal from thence : Therefore, for removing all doubts respecting the same, may it please your Majesty that it may be declared and enacted, and may it be declared and enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Right claimed by the PEOPLE OF IRELAND, to be bound only by laws enacted by His Majesty and the Parliament of *that* Kingdom, in ALL cases whatever, and to have all actions or suits at law, or in equity, which may be instituted in that Kingdom, decided in His Majesty’s Courts therein finally, and

without appeal from thence, shall be, and it is hereby declared to be, ESTABLISHED and ascertained FOR EVER, and SHALL at no TIME HEREAFTER BE QUESTIONED or questionable.

“ 2nd. And be it further enacted by the authority aforesaid, that no writ of error or appeal shall be received or adjudged, or any other proceeding be had by or in any of His Majesty's Courts in this Kingdom, in any action or suit at law or in equity, instituted in any of His Majesty's Courts in the kingdom of Ireland; and that all such writs, appeals, or proceedings shall be, and they are hereby declared, null and void to all intents and purposes; and that all records, transcripts of records, or proceedings which have been transmitted from Ireland to Great Britain, by virtue of any writ of error or appeal, and upon which no judgment has been given or decree pronounced before the first day of June, one thousand seven hundred and eighty-two, shall, upon application made by or in behalf of the party in whose favour judgment was given, or decree pronounced in Ireland, be delivered to such party, or any person by him authorised to apply for and receive the same.”

These being the plain and undisputed facts of the case, it was thence argued that the mere repeal of the declaratory statute, so far from definitively renouncing the existing right of legislation over Ireland, virtually confirmed it; and, by repealing, only enacted the expediency of discontinuing its exercise under existing circumstances.

The statute which had DECLARED that there existed such a pre-existing right in England to bind Ireland was indeed repealed by England, but still the principle of supremacy was left untouched and unimpaired; though the declaration was repealed the right was not renounced, but remained only dormant till it might be advisable, under a change of circumstances, to re-declare it by a new statute.

The simple repeal of any statute certainly leaves the original jurisdiction untouched, exactly in the same situation as before the repeal of it, and with an undiminished right to re-enact it as might be convenient; and the 6th of George I., its enactment and repeal, stood exactly in the same situation as any enactment and repeal of any ordinary statute of the same monarch. It was therefore argued that it had become indispensably necessary for the security of Ireland that the British Parliament should, by statutes of their own, not only repeal the Act declaratory of Irish dependence, but also expressly and for ever renounce the EXISTENCE of any such legislative AUTHORITY over Ireland, or future renewal of such usurpation, without which renunciation Ireland had no guarantee for her constitution.

Deduction.

The arguments and statesmanlike opinions of Mr. Flood finally prevailed; the British Parliament confirmed and legislated on them. Mr. Charles Townshend, who had long been the friend of Mr. Flood, introduced the Bill in the Commons on the opening of the Session of 1783. The Act of Renunciation secured to Ireland every advantage that could be secured by English legislation. It was for Ireland next to reform herself. Neither the "final adjustment" of Mr. Grattan nor the Act of Renunciation of Mr. Flood could be of permanent value so long as one-third of the Irish House was composed of *nomination boroughs*. However, the confusion of ideas and the false interpretations of many were dispelled.

The Duke of Portland, Mr. Fitzpatrick, Sir George Young, Lord Mansfield, Lord Abingdon, and Mr. Fox had differed widely in their views; and consequently a transcendent step had been achieved by the perseverance and energy of Mr. Flood. We shall now follow him in the next great measures for Ireland, "Reform," and "Commercial Propositions."

*Parliamentary Reform Bill of 1783—Purity of Election
Bill—Parliamentary Reform Bill of 1785.*

Cardinal Alberoni, the eminent Minister of Philip II., expressed in one of his valuable letters in reference to the Spanish nation and government of his time—“That the people were moulded on whatever form the King and Minister designed them to represent;” which is, in fact, that the grandeur or littleness of a people depend on the government and institutions of a nation: a maxim which the consummate genius of the Cardinal Minister was the practical evidence; for what was Spain after Alberoni?

Ireland, indeed, had had many British governments ruling over her, but none neither cared for her institutions, nor tended with a protecting hand her generous virtues and her quick and fervent capacities. Rich in the abundance of natural gifts, her rivers, her seas, and her soil teeming with wealth, which only required a patriotic Irish Legislature to develope; to *make* the Absentee return to his duties; to *make* the proprietor and the landlord feel the national importance of *residence*, and of expending their wealth, derived from the soil, among their tenants and in their country. Such a plan would have been to make Ireland rich, happy, and respected. This plan would have been to practise the maxim of the eminent Alberoni.

Parliamentary Reform in Ireland was essential to a political existence; it was a strong link with the Renunciation just obtained, without which the institution of parliaments would be nugatory. Such a reform, therefore, as might insure the uninfluenced election and individual independence of the Irish representatives appeared to be indispensable, not as a theoretical innovation of a revolutionary character, but as a recurrence to the first and finest principles of the British constitution as established in Ireland, without any deviation from the wise maxims of the original. This was the *presiding idea* of the reform ardently sought for by the

Irish nation in 1783, and which was the declared object of Mr. Flood.

Mr. Pitt likewise proposed a plan of reform at this time for England, but his plan was always subsidiary to his paramount desire to rule and control everywhere, whether by corrupt means or by arbitrary power it mattered not. His idea, therefore, passed away like a shadow. Ireland received no benefits from Mr. Pitt. In England he created financial embarrassments without parallel. He was the Minister that applied the largest scheme of corrupting influence, especially in Ireland, though he had in earlier life reprobated such a practice in the conduct of others. He was not the author of the "Sinking Fund," which had excellent objects in view (*Vide* "Knight's Hist. of England," Financial Part, vol. iv., quarto). Though Mr. Pitt simulated the character of a reformer, Mr. Flood declared and manfully braved all the disparagements of such a duty. Two provinces of Ireland now addressed Mr. Flood. He was the principal figure amidst the Volunteers; 120,000 men, composed of the yeomen of Ireland, and the officers the landed gentry, were for Reform in Parliament. They saw the necessity, and wished to achieve the object. It was not a measure of enthusiasm, but of grave necessity. It could not be denied that any one individual, arrogating to himself and actually exercising a power to nominate, and by his own sole will elect and return representatives to the House of Commons, sent them there to express the opinion of the individual, and not the sentiments of the people. The House of Lords of Ireland nominated and returned many members to the House of Commons; the peers therefore sat by proxy in the Commons, which condition destroyed the first principle of the representative constitution, wherein each body had distinct duties and interests. To remedy this evil, Mr. Flood proposed a plan of Reform, approved of by the Whig Club. The details were mild and moderate, just calculated to remove the anomalous state of the representative body.

To ascertain the relative matters of fact as applicable to Mr. Flood's plan, the Whig Club caused to be printed and published lists of the House of Commons, indicative of the mode of election of every member, the peer or proprietor whose interest he represented, and the number of members so returned to the Irish Parliament. It was ascertained that from twenty to thirty peers of Ireland returned members to the Commons; that all the Absentee lords returned at least two members; that the resident peers, Earls of Tyrone, Ely, Shannon, Hillsborough, returned *four, nine, six, seven*; and minor lords *one or two*.

But the government of Lord Northington, now Viceroy, had entrenched itself behind men of distinguished talents, who were determined opponents of Mr. Flood and his reforms of every sort. Scott, Fitzgibbon, Yelverton, occupied the first line. Toler, Langrishe, Daly, Connolly, and George Ponsonby, members of Parliament who had become placemen, occupied the second line.

Hutchinson and Pery, men of superior abilities in State affairs, were uniformly supporters of the English policy since the time of the Duke of Bedford. But an energetic and national party did exist; ever first the name of Molyneux. Montgomery of Cavan, Martin of Connemara, Brownlow of Lurgan, Hatton of Clonard, Warden Flood of Polestown Castle, and other members of this family, had supported Grattan in 1782, and the motion of Free Trade in the previous session; they now supported Flood on Reform; hence there was a working minority in 1783.

GRAND NATIONAL CONVENTION

For Parliamentary Reform, assembled at the Rotunda in Dublin, November, 1783.

Mr. Grattan, the brilliant and eloquent patriot of 1779, 1780, and 1782, was a languid reformer; he *refused to accept Mr. Flood's plan of reform*. He said

“he was for reform, but not **THAT REFORM** ;” these are his words ; he would not co-operate, yet he would not originate a Bill. He had just resigned the nomination borough of Charlemont, and Mr. Hardy for the first time sat for that borough in his stead. Mr. Grattan, who accepted the Dungannon Convention for his basis on the “*final adjustment*,” could scarcely refuse to acknowledge the same basis and the same authority on the present occasion.

Delegates were now named by that very body (the Dungannon Standing Committee) for the province of Ulster : the other three provinces named their delegates. The question naturally arose, how far officers of an armed force, though Members of Parliament, could legally sit in convention on measures to be proposed to Parliament, then in session ? This momentous question was laid before the Lawyers’ Corps of Volunteers, men well experienced in constitutional law. It was resolved, clearly and emphatically,—That delegates from the Volunteers, being Members of Parliament, could sit and determine on such measures as might be conducive to the welfare of Ireland to be introduced into Parliament. No delegate (and several were lawyers) seemed to doubt the legality of their proceedings, for in 1779, on “free trade” being voted, the Volunteers marched in procession. In 1782 they did likewise, being a civil and voluntary force, embodied by untoward circumstances. Lord Charlemont had not received a hint of the impropriety, much less the illegality, of a convention in co-session with the Parliament. Lord Charlemont was, however, an irresolute politician and an incapable general : he had neither foresight nor energy, nor that political perception which decides clearly and firmly on great emergencies.

Mr. Flood was now the most eminent leader and able statesman of Ireland, wanting neither in the courage to propose reform nor intrepidity to maintain his position. Mr. Brownlow, who was at the head of the independent party of the country gentlemen, supported Mr. Flood.

“A *few* of the members of the House of Commons had declined their election to the Convention, but some of the ablest and most respectable members performed their duties alternately in both assemblies. The Lord-Lieutenant and his Privy Council at the same time held their sittings at the Castle, exactly midway between the two parliaments; they received alternate reports from each, and, undecided whether the strong or the passive system were least, or rather most, fraught with danger, they at length wisely adopted their accustomed course, and determined to take advantage of the chances of division, and of the moderation and ductility of Lord Charlemont.

“It was artfully insinuated to his lordship, by the friends of government, that the peace of the country was considered to be in his hands—that he had accepted a situation of the most responsible nature—and that if he did not possess sufficient influence to curb the Convention, he ought at once to resign the trust, and thereby give the parliament a ground for declaring the immediate dissolution of its unconstitutional rival.” (“Barrington’s Memoirs.”)

The proceedings of the Convention were carried on with the utmost regularity. The rules and orders, and customs of Parliament were adopted, and the meetings were held and continued without any material interruption. But when such an assembly had been delegated for the purpose of requiring the Parliament to purify itself, and remodel its constitution, it could not be expected that every member would possess similar views or similar feelings, or perhaps, observe the most uninterrupted order and discipline in discussions.

The Earl of Bristol, Bishop of Derry, one of the most eminent politicians of the day, joined in council with Mr. Flood, at this time member for Enniskillen; by this means he took to his council the man of all others best adapted to give weight and dignity to the *measure* of parliamentary reform. Lord Charlemont

supported reform most sincerely. Mr. Grattan's favourite scheme, as *he said*, to begin with, was an "internal" reform. He partially accomplished that object by the Place Bill, whilst by one of its clauses, he most certainly *lost both the parliament and the constitution*.

The Bishop and Mr. Flood soon gained a full ascendancy in the Convention, and many men of the very first rank, fortune, and influence took part in its deliberations. Numerous plans were proposed; and reform, of all others the most difficult of political measures, was sought to be promptly decided. After much deliberation, a plan of reform, framed by Mr. Flood and approved by the Convention, was directed by them to be presented to parliament forthwith, and the sittings of the Convention were made permanent till parliament had decided the question. Mr. Flood obeyed his instructions, and moved for leave to bring in a Bill to reform the parliament.

The measure of reform was, abstractedly, patriotic and noble. Its object absorbed every consideration but its attainment; yet so many persons of character, fortune, and influence were in both assemblies, that a discreet and prudent deliberation might possibly have devised means of averting so dangerous a crisis.

The Government resolved to risk a direct assault upon the Volunteers by refusing leave to bring in Mr. Flood's Bill, because it had originated from their deliberations. Strong language was used, but with some precaution, even by Mr. Yelverton, who had been a zealous Volunteer, but was now the Attorney-General. His eloquence was splendid; but the bold, restless, arrogant spirit of Fitzgibbon, ever prone to offend, to irritate, and to pervert, in a speech replete with the most unnecessary invective, unwarrantable fury and abuse, assailed the Convention, the Volunteers, and the Bill, with every epithet and allusion that could bring the Government and the Volunteers into a state of direct hostility. Had his efforts been crowned with

success, British connection would probably not have been of three months' duration.

The House felt the danger of his conduct, and he was not supported in his philipics. Mr. Curran called Mr. Fitzgibbon an incendiary; Mr. D. Daly termed Mr. Flood a demagogue. The debate became quite unprecedented in point of violence and party re- crimination, but the good sense of some members endeavoured to moderate the partisans. The Bill was rejected by 158 to 49; 138 of the majority were placemen, and the very persons on whom the reform was intended to operate. It is very remarkable, that it was 138 placemen that rejected the Reform Bill in 1783, and that it was the same number of placemen who carried the Union Bill in 1800, *which, if the Reform had succeeded, never could have been passed.*

Upon this very decision ultimately depended the existence of Irish independence. The Volunteers were insulted,—their Bill was rejected without a hearing,—their intentions were calumniated, even their name was reprobated, their services were forgotten; and that very corruption which they sought to reform, thus had its full revenge. (Barrington's "Memoirs of the Union," Vol. ii. p. 202, quarto.)

Hence the great subject of Reform in Parliament was frustrated, opposed, and rejected, at a moment when it was most urgent; when neither "free trade," nor the "final adjustment" of Grattan, nor the "Act of Renunciation" of Flood, could have a complete success without Reform in Parliament. So long as the House of Commons was composed, to the extent of one-half, of the proxies of certain Peers, and official nominations of Government, no measure purely of an Irish character could be certain of success.

On this momentous question 99 members absented themselves!—a plain proof of the necessity of Reform. One hundred and fifty-eight members voted against the *Bill*, most of whom were either proxies or official men; *the 49 who voted with Mr. Flood, the mover, and*

Mr. Brownlow, the seconder, may be said to have been the independent members out of a constituted legislative body of 300 members!

The plea of rejection of Reform because it emanated from a military body, that body being Volunteers, who originated *all the measures* from 1779 to 1783, and triumphed, seemed, and does seem, frivolous, improvident, and impolitic, on a measure of the first necessity, —a Bill, the details of which were similar to those of Mr. Pitt for England,—a measure of political salubrity. The loss of Mr. Flood's Reform Bill was the loss of the Constitution of Ireland.

ELEVEN COMMERCIAL PROPOSITIONS OF MR. PITT, 1784—

TWENTY-ONE COMMERCIAL PROPOSITIONS PROPOSED

BY MR. ORDE, 1785.

Byrne's Irish Parliamentary Debates, from Woodfall's Notes—Barrington's Memoirs of the Union.

When the supreme measure of reform was negatived by a conspiring party, parasites of power and personal influence, Mr. Pitt easily perceived how readily he could practice the old Roman maxim—"divide and subdue"—and his own plans and external politics demanded such an imperial sway. The enormous taxation imposed on England, was required no less by the exigencies of the public service, than by the new diplomacy carried into effect by Mr. Pitt.

Commerce is always the fruitful source of supply, but the commerce of England had already done much; and to increase this branch of national wealth was, and is, the great and paramount duty of every minister. The financial system of England was not flourishing, and to stimulate the merchants and increase their affluence were the surest means of adding commensurately to the income of the nation. While the financial condition of England was anything but satis-

factory, the commercial development did not promise the emporium of the world. Ireland, on the contrary, had no embarrassments ; a rising trade, no national debt or burden—no excessive taxation—no social grievance that a reformed local legislature could not remove ; in fact, prosperity had taken root, and Ireland required only time, self-control, and the purification of her legislature, to make her independent and happy. Ireland had at this era her nobility and gentry resident, expending their incomes derived from the soil amidst their tenantry, and in the capital of their native land. Mr. Pitt saw this rapid change ; but he was not the statesman that could view this prosperity with complacency. Commerce has ever been co-eval with the grandeur of a state. He was a man of too large ambition, too tainted with the “avarice of power,” not to grasp at an opportunity to make all nations and all interests subordinate to his own.

The commerce of the world is a great conquest, and a monopoly of incalculable results. The cupidity of the Saxon merchants, their natural predilection for the accumulation of wealth, would readily adhere to and support such a policy. The commerce of Tyre and Sidon filled a page of Eastern history ; their merchant princes lived in ivory palaces ; their dyes, and their embroidered vestures, marked an era of luxury in the East. The Syro-Phœnician colonies spread along the southern shore of the Mediterranean, and established a new commerce and a new city, which was destined to be the rival of Rome in importance, and carry into her bosom Phœnician and Greek art, and where the Queen of Sheba was to be surpassed in Orient splendour by a queen whose beauty was the type of excellence, and whose genius marked a new era in the history of the world. Such was Carthage, a name synonymous with that commerce which shaped its course westward through the pillars of Hercules to the ocean. Commerce carries in her lap the most precious gifts to *nations*,—wealth, peace, and happiness ; but there are

two attendant evils, cupidity and avarice. The one desires the treasure of others, the second loves to hoard, to live up, for an unknown future.

Statesmen who direct the affairs of a nation from a desire to be famous, look with eagerness to such mighty resources as commerce produces, bringing the riches of all time, as it were, to one centre. It is not difficult to conceive with what fixed purpose Mr. Pitt followed out his scheme.

The Pitts, father and son, were men of grasping and ambitious temperaments, men whose minds were constantly occupied with meditating how that "avarice of power" should be satisfied. Both saw in antiquity the greatest and grandest efforts of small states becoming renowned. There also they found men whose minds attained the highest standard of human capacity. It was said of Lord Chatham, that Athens and her greatness seemed to him the proper contemplation of the English statesman; his pastime was with Thucydides and Plutarch; but in this, it was the wonderful *maritime power* of Athens, and her admirable statesmanship and diplomacy, that arrested the mind of Chatham.

Of his son, it was the correlative ambition, the maritime commerce of the world, that struck him, and was his daily meditation. With *commerce* he had finance; with finance he could subsidise the world, and enchain it, too. Such was the younger Pitt. Both were haughty, arrogant, cold, and reserved; both understood perfectly how to govern England, to be profuse in expenditure, and to dictate terms in all *external* relations, whether it were with Spain or France it mattered not; all other powers could be subsidised. Chatham knew nothing of Ireland, and wished to know nothing of a country beneath his ambition. When addressed by Mr. Flood on several occasions respecting measures for Ireland, he invariably replied—he was wholly ignorant of the country. He knew full well, to dictate was to be obeyed. This haughty minister was

the son of the Rev. Mr. Pitt, vicar of an insignificant parish. His son indeed saw clearly, without finance he could not be profuse: to unite the fiscal and commercial sources of revenue of Ireland with England was his aim. Both these eminent statesmen could not regulate the common expenditure of their household; the public had to pay their debts, as well as give them a public funeral. Such is the inconsistency of the human character; what the Englishman denounces and derides in the Irish gentleman, he excuses in the English statesman. To serve such a country is both renown and wealth.

Ireland had but recently obtained external legislation which enabled her to extend her trade; she had obtained an Act of Renunciation of the British Legislature, by which Ireland was henceforth freed from all interference direct or indirect. A country like Ireland, whose physical geography was so favorable to external and internal trade, that only a century ago had her trade, though limited, free. She was now coming forth with new-born energy. To arrest her onward course, or at least to centralise it by a treaty of navigation, was a dexterous policy to one who saw no kingdom but England in the horoscope of his fortune. Mr. Pitt consequently sent Mr. Orde to Ireland, first, with eleven propositions whereon to base his circumventive policy. The colossal project of Mr. Pitt was examined and contemplated by him with all that calm and perseverance peculiar to his uninteresting nature. It was the subjugation to commercial and fiscal control, all portions of the empire and even its dependencies. He had seen but ten years before the design of his own relatives, the Melvilles, and even of his father, to subject the American colonies to both the above forms of revenue; they failed to impose the fiscal regulations rather by their mismanagement and want of adroitness, than either the disposition or the the Americans of 1774 to resist. Franklin, the dignity and discernment of a politician, the invasion of the first principles of

government, but dictums and theories are often neglected when a Minister is arrogant and the State powerful. The Colonists profited rather by the blunders of statesmen and the incapacity of generals, than by their strength. Mr. Pitt had meditated on this catastrophe to Great Britain—loss to her revenue—loss to her military reputation. He had seen that Ireland, flushed by colonial success, had demanded and obtained, in 1779, commercial concessions, moved by Lord North himself and recommended by the King. He had seen that these concessions, though few in number, had given a great expansion to trade in Ireland, and that Ireland was capable of great things if left to exercise her own energies; and that in the short space from 1779 to 1785 she had rapidly advanced; that the parliament, or rather the nation, was not likely to recede from its high position under the guidance of Mr. Flood, whose views were completely in favour of Ireland. Mr. Flood, too, was the personal friend of several who were of the Committee that had drawn up the concessions of 1779; and Lord Beauchamp, Lord Temple, and Mr. Charles Townshend supported Mr. Flood's Irish policy. Hence Mr. Pitt sent to Ireland as Secretary, Mr. Orde, whose professional knowledge of commerce, his quiet diplomatic ease, and his conciliatory manner, were best adapted to a very formidable scheme of commercial unity. Mr. Orde, therefore, was chosen from many for his superior skill in forms of negotiation; and we have now the advantage of his own memoirs to understand clearly the question. Mr. Orde presented first eleven propositions, drawn with a frank acknowledgment of the independence of Ireland as a sovereign state, and there was nothing to object to the style, or even the tradal advantage of the scheme, he therefore introduced his Bill with flattering terms and diplomatic amenity. Mr. Flood opposed these propositions on the broad basis of "Free Trade;" no such reciprocity treaty was essential to benefit either kingdom—that each had

the power to legislate for their internal interests as might be.

Second,—That the commercial, fiscal, and financial state of both kingdoms were widely different. That Ireland only so far back as 1690 had been deprived of all her trade, internal and external; therefore the renewal of her commerce dated only from 1779, and she was in no capacity to enter on a reciprocal treaty of commerce. That a weaker state can never engage in a treaty with a stronger, without endangering her independence.

Third,—That fiscal regulations being a branch of revenue, and that revenue being part of the sovereign power of state, no part of it can be subject to the interference of another state.

Lastly,—That a reciprocity treaty of this sort might endanger the harmony, but never contribute much to the advantage of either kingdom under the same Crown, since commerce always found its equilibrium in demand and supply.

Mr. Flood was supported by Mr. Brownlow, and most of the country gentlemen of independence. Mr. Grattan never was a good debater, and seldom argued the details of measures; he, therefore, took part in a limited way in these propositions. Though it would not be possible to controvert arguments so clear and positive as those offered by Mr. Flood, then at the head of the opposition in the Irish Parliament, nevertheless Mr. Pitt persisted in leaving on the table of the House of Commons of England a Bill containing twenty-one propositions, which elaborated with practical skill all the changes, values, and transits that trade is subject to. Mr. Orde was instructed to introduce a similar Bill into the Irish legislature. The English Bill passed without hindrance, but the Irish one suffered defeat, and ultimately a complete overthrow. The last night the debate continued the entire night, and till nine o'clock the following morning, when a division was

taken for Mr. Orde's motion—for leave to bring in a Bill, 167; for Mr. Flood, 106.

Mr. Flood then moved a "Declaration of Rights," when a division less favourable to Mr. Orde was announced, and the Treaty of Commerce was signally defeated, as unnecessary and impolitic for Ireland.

The details of this attempt to recall the concessions of England are on record; its importance, as a simple measure, has ceased, but its bearing strongly on the question of a Union (being, in fact, its eldest sister) rendered some account of it essential.

Mr. Pitt, for a short time, affected to relinquish the idea of opposing the commercial interests of Ireland. It was determined to let the Irish take their own course, and patiently to await till circumstances might enable them to act more decisively against their independence.

Mr. Pitt was obliged to rest upon his oars; his own bark was tempest-tossed, whilst that of Ireland was running rapidly before a prosperous wind. This was the state of Ireland after the Proposition tempest had subsided.

The King had all along been strongly impressed by the loss of the American colonies; he loved prerogative and hated concession; under cover of his amiable domestic virtues he exercised a greater share of prerogative of personal interference than William III. after victory. His mind became afflicted, and Mr. Pitt well knew that the loss of America had sunk deeply into the royal mind, and that from the moment the Renunciation Bill had been passed, his Majesty wished for any favourable opportunity of repealing it. The Union was the remedy, and discord was the element of Union.

LUNACY OF GEORGE III., 1788.

*Question of Regency—Opposite opinion of Pitt and Fox—
Address of Grattan to the Regent fatal to Irish legis-
lative independence—Consequent collision of the Par-
liaments of England and Ireland, 1789.*

The prerogative of the Crown had always been a disturbing power to the free action of the estates of the realms for centuries. King George III. had an extraordinary appetency for this sort of irresponsible power without a particle of genius, or even large capacity for public affairs. He saw two visions—Oligarchy and Democracy, both horrible spectres to him; to confine them was above his strength, and his mind failed in the attempt. George III. had indeed to contend with merely the phantom of an oligarchy; but such as it was, it forms the only apology offered for a very strained use of royal influence everywhere, without any beneficial result. Mr. Pitt was the instrument of this royal authority, and it will take more than the graceful compilation of Earl Stanhope to excuse the Minister who maintained his position by a national extravagance without parallel in the history of the world.

On the mental alienation of the King, a regency was inevitable; but to confer equal powers and equal prerogatives on a Prince whose character was tainted throughout, and who might possibly make but an indifferent use of the same royal authority, if intrusted to him, Mr. Pitt therefore moved the House for a committee to examine precedents; a duty which at least postponed the delegation of most important functions to an untried authority. Mr. Fox, on the contrary, was for conferring at once the prerogatives and attributes of royalty to the Prince,—his pupil in politics, and his companion in the pursuits of pleasure.

In the meantime the Irish Legislatures had by large *majorities* decided on their mode of acting. Mr. Grattan *took the lead* in the momentous question of the

Regency, with an ardent and spontaneous feeling much to be admired in the exercise of virtuous acts, but altogether the most fatal attribute in the affairs of state. Without precedent and without deliberation, he moved an address to the Regent, conferring on him without reserve all the royal prerogative and attributes of the monarch. The words of the Address are very remarkable:—"Under the style and title of Prince "Regent of Ireland, in the name and on behalf of His "Majesty, to exercise and administer according to the "laws and constitution of this kingdom, ALL regal "powers, jurisdiction, and prerogatives to the Crown "and Government thereof belonging."

In the Commons the Address was moved by Mr. Grattan, and was carried without a division. It was moved in the Lords by the Earl of Charlemont, and was carried by a majority of only 19. Contents, 45—non-contents, 26. Most of the minority recorded their protests.

For presenting the Address to the Regent, a deputation was named, composed of the Duke of Leinster and Lord Charlemont; the Commons, Messrs. Connolly, J. O'Neil, W. B. Ponsonby, and J. Stewart. In the Commons, the number upon Mr. Grattan's Motion for thus transmitting the Address, were, for the Motion, 130; against it, 74.

This movement, however generous and loyal, precipitated the great question, the "*casus omissus*" of 1782—the possible collision of two independent legislatures on the prerogatives of the Crown—on the investiture of the royal authority in cases of regency—on the question of peace or war. Mr. Grattan had not foreseen such a contingency; but since he assumed the lead, he ought to have been equal to the task. Franklin did not so negotiate for the American colonies; nor Pym, Selden, and Vane for the Commonwealth of England.

Mr. Grattan carried his address to the feet of the Regent, but in doing so, he precipitated the final over-

throw of the Irish Parliaments. Diplomacy as well as good policy, clearly pointed out the duty of awaiting the decision of the Committee appointed by Mr. Pitt to investigate the Records of the House of Commons of England for precedents. It was neither wise, nor politic, nor statesmanlike in Mr. Grattan, to precede the Parliaments of England in a question so momentous as the Regency, when the concurring opinions of both kingdoms were most essentially required.

It has already been remarked by Barrington, "that he did not always foresee the probable results of his projects."

During the Regency movement in Ireland, Mr. Flood was in England, being then member for one of the Cinque Ports, which he called into political existence, it being one of the borough ports previously deprived of representation.

Mr. Peter Burrowes, then a young lawyer, was employed on this duty at Mr. Flood's expense, and he succeeded in establishing the right of the borough to a member. Mr. Flood was at the same time also member for the Irish borough of Enniskillen, and therefore member in both Parliaments.

It is fortunate in the present day of strong conservatism, the result of combined influences and apprehensions wholly personal, to find two writers of distinguished talent, both Irishmen, enter the historical field on the enlightened liberal side, and counterbalance the inactive and narrow views of the other side. Mr. May, the continuator of Hallam, and Mr. Massey, the follower of Lingard, have produced works both recreative to the mind, and expanding with the times. Before Mr. Knight had published his great and useful compilation of the histories of England, revised and corrected, placed in analytical compartments—Finance—Military—Civil and Commercial—before we had only party statements, which required a large information to

†. Lord Macaulay has since broken the ice, and
 ren us a new version of old themes, equally

brilliant and instructive. The royal prerogative, as exercised by George III., has been ably exposed by Mr. May. It was then the personal influence of the King in various complicated forms, which Mr. Massey explains by stating it was exercised to destroy a grasping oligarchy, anxious to name their own ministers, and place in office their own minions. The undue exercise of royal prerogative and the occasional predominance of the oligarchy had been the striking evil of the British Monarchy for seven hundred years.

The restoration to health of the King was followed by the resumption of the parliamentary powers of Mr. Pitt. This sudden transition was a surprise to all parties. The Irish Commons and some of the Lords had already committed themselves by precipitating an Address to the Prince Regent not in accordance with the views of the minister. Mr. Pitt, from this incident, appreciated the very probable difficulties that might arise, either on a recurrence of the malady to the monarch, or on the many questions of a delicate character, on prerogative—peace or war—offensive and defensive alliances—all of the first moment in affairs of state.

The Marquis of Buckinghamshire refused to forward the Address; it was therefore, in a measure, irregular. The Viceroy even declined to countenance the proceedings of the Irish Legislature. Mr. Grattan and thirty-two members, however, drew up a very strongly worded paper called a "Round Robin"—a very obvious menace to the Irish Executive. The policy of this transaction cannot be too much condemned.

Mr. Pitt determined after this serious coincidence, to extinguish the Irish Parliament as an impediment to his supreme administration. In the memoirs of Lord Auckland, Lord Colchester, Lord Sidmouth, and the correspondence of Lord Castlereagh, we have abundant evidence of the means taken to neutralise the legislative independence of Ireland. Sir Arthur Wellesley, when Chief Secretary, was one of the most active and

peremptory agents in wholesale corruption. It is singular, too, that in later times he was always ready to change his principles for the sake of "*expediency*"—a convenient mode of acting, which the laurels of the hero may cover, but cannot elevate him as a statesman.

The pencil of Gainsborough has softened the austere features of Mr. Pitt, and the memoirs of Earl Stanhope may elevate the minister who weakened the oligarchy and strengthened the King; but certainly the kingdom of Ireland gained nothing by his administration. While he consulted Salamanca and Valadolid on the value of Catholic allegiance, he gave a franchise to electors who could not enjoy the use of it.

THE INVECTIVES OF FLOOD AND GRATTAN.

November, 1783.

When a distinguished lawyer comes forward to give lectures on the philosophy of history, on political vicissitudes, on great public characters, and on the "Life and Death" of institutions, we expect an eloquent dissertation, at once useful, comprehensive, and delineative, instead of the invectives of eminent men, which can have no instructive tendency, and even to be understood rightly and fairly, must be accompanied by lengthened explanations as to the origin of "a duel of words," which embraced the conduct and capacity of both orators on questions of transcendent national importance.

It was not so much a "*personal* quarrel or disputation," as a vital difference of principle on international law on a great national transaction.

Grattan felt hurt and humiliated at the result of his narrow interpretation of "final adjustment." Flood, on the contrary, gave the broadest latitude to his views with a frankness that could not be misunderstood; he was in the ascendant consequently when Grattan provoked these invectives, and no doubt was prepared.

All nations rise and decline alternately; progression

must go on, as the law of Nature. It would be but a poor contentment to the great spirits of antiquity, to tell them how short a period their grand efforts on government endured.

It was the clear and well defined scheme of Mr. Molyneux and Mr. Flood to have an independent legislature for Ireland as a sovereign state. A Charter had been granted, and a "*modus*" had been given, so far back as the twelfth and thirteenth centuries, we wanted nothing now but permission to exercise freely the functions of that constitution. The inventive genius of Mr. Grattan, indeed, wanted to make a new charter and a new constitution. He said, with much vanity and much ostentation, "I consider the Dungannon Convention of 1780 an *original transaction*;" and with a metonymy he knew well how to employ, he added, "*Magna Charta was not obtained in parliament, but by the barons in the field.*"

Nothing in history could be more dissimilar. The two hundred delegates met in a church at Dungannon; they were not barons, they suggested nothing new; they propounded nothing: their scheme was simple, direct, and positive,—to disenthral the kingdom from the dominancy of another, to call into active energy institutions that had long existed, dormant but not extinct. Ulster was but a province, setting example to other provinces.

The politics and events of the epoch gave it life, not Grattan; it was not an "*original transaction*," it was one called into the active service of the State by the national will, first openly expressed at Dungannon. Grattan indeed would gratify his vanity by calling a few resolutions a new Charter—an original transaction. He expressed himself in the House of Commons, many years after, in these words, "Not long ago the meeting at Dungannon was considered a very alarming measure, but I thought otherwise. I approved, yet I considered the meeting at Dungannon an *original transaction*. As such only it was matter of surprise.

"What more extraordinary transaction than the attainment of Magna Charta? It was not attained in parliament, but by the *barons, armed in the field*. A great original transaction is not founded on precedent, it contains in itself both reason and precedent. The Revolution had no precedent; the Apostles had no precedent."

What figures of amplification! What Pelion upon Ossa has the orator heaved! In the above pompous and ambiguous words we have a very fair sample of the legislator and orator. A comparison between Dungannon and Runnymede, conducted by the most famous names in England of 1215. A transaction that regulated the Anglican Church, as in the epoch of Henry I.; that regulated the baronial, civil, and military jurisdiction, and feudal service; that regulated the laws of vassalage; abolished the cruel laws on minors and marriage,—placed a limit to baronial courts; that forbid the levy of monies, except through the mandate of the "*Concilium ordinarium regni*," which we find carried out in the reign of Henry III. by the great Earl of Pembroke, Regent. This magnificent Reform—for Reform it was in Church and State, which embraced within its purview both England and Ireland—the modesty of Grattan compares to his Dungannon Charter!

It was in fact a "Declaration of Rights," and no more. It may be a question whether he fulfilled the mission he was called on to complete. Does his Address to the King in 1782, or his Declaration of Rights the same year, fill up the measure of expectation? He defined his principles and policy distinctly on the 15th and 16th of April, 1782. Was this the Dungannon Charter? Distinctly not. He wrote to his historian, Barrington, in 1819, a form of apology for his errors, a retraction of his words, but an unhesitating appropriation of the appellate judicature and external legislation, which his scheme in 1782 did not include. Let me go back to 1779. What did

Grattan do then? He consulted with Mr. Daly, and they produced a motion on "Imports and Exports" in so unskilful a manner, that of necessity it was revised, and only passed in an amended form.

In 1783 and 1785 he would take no part in Reform, because it was not his Bill; yet we find his incapacity for legislation again proved in his Place Bill of 1794. On the Commercial Propositions of 1785 we see no breadth of judgment or capacity for legislation. On the Regency question he was grievously wrong, and led astray his countrymen and Irish Legislature. Did he show any capacity to control, to lead, to legislate for Ireland from 1794 to 1800? His boast was, that "he tended the cradle of his Constitution, and followed "it to the grave." A childish boast, which ought to have produced a pang of humiliation. On the other side his private virtues were many. He never accepted place: and in Ireland a man is said to be honest when he is not in office. Lord Clare, in a remarkable pamphlet, accuses him of deserting the cause of the Volunteers, and other departures from his Dungannon Charter. Which Barrington *denies* and repels. He certainly seemed to *MEDIATISE* between Dungannon and the government of the Duke of Portland in 1782.

Thus stood Grattan before he delivered his first invective.

I must now place his political opponent in the front.

Mr. Flood does not appear to have been actuated by any ill-will towards Grattan. We find that the dissentiment and estrangement was but of a year's growth. This is clear from Flood's letter to Charlemont, and by the following public expression of thanks to Grattan, where Flood is called to the chair at the delegated meeting of one hundred and thirty corps of Volunteers. They would not call to the chair on so important an occasion any but a friend to Grattan; but in the sequence of events he temporised, and thus raised that political tempest which he, with all his *fascinating eloquence*, could not allay.

At a meeting of the delegates from *one hundred and thirty-nine* corps of the Volunteers of the province of Leinster, at Dublin, 17th April, 1782, Colonel Henry Flood in the chair,

“*Resolved unanimously*,—That we feel ourselves *called upon* to declare our satisfaction in the unanimous sense of the *House of Commons* expressed in favour of the rights of Ireland, in their address to the King yesterday, as amended by Colonel Grattan, and that we will support them therein with *our lives and fortunes*.”

“*Resolved unanimously*,—That the thanks of this Meeting be given to Colonel Grattan for his extraordinary exertions and perseverance in asserting the rights of Ireland.”

“*Resolved unanimously*,—That the following thirteen Commanders of Corps be appointed a standing Committee of Delegates from this province, to correspond and *commune* with all the other provincial committees or delegates of Ireland, to wit: Earls of Granard and Aldborough, Sir William Parsons, Colonels Talbot, Lee, Parnell, Burton, Lyons, Grattan, Flood, Captains R. Neville, Gorge, Smyth.”

The mission of Grattan was the manumission of Ireland. The Dungannon Convention demanded no less. The fanciful expression of Grattan—“*an original transaction*”—meant no less. Was, then, the simple repeal of a declaratory law, and a limited Mutiny Bill, what he called “*a final adjustment*” between the two kingdoms—was this an original transaction? No, it was a complete departure from the Dungannon resolutions. He halted, he hesitated, he forgot, or he set aside the example he so vainly cited—“the barons in the field.” Did Langton so act? Did the great Earl of Pembroke so act? The original transaction of Grattan descends to the pitiful expedient of a simple repeal—“*a final adjustment*” derided from the outset.

Flood, learned in constitutional history, matured by *twenty years’* experience, was constrained to amend the

crude legislation of his opponent, by amending the "*final adjustment*:"—1. By a completely free external legislation. 2. By a final appellate jurisdiction. 3. By a British Act of Renunciation. These were the gravamen of offence against Grattan's capacity to conduct "a final adjustment," much less "*an original transaction*," which he claimed. Here was the cause of quarrel; to be corrected or rebuked excited the ire of Grattan, which when roused, was scarcely less fierce than that of Achilles. Flood was right in argument and the construction of international law; Grattan was victorious by the votes of the House of Commons. War was now openly declared between these great competitors, nor did Demosthenes and Æschines contend with higher genius or for a nobler object.

The contrast of their genius and their character was not less remarkable than their political opinions. The person of Grattan was short and compact, his head oval, yet the chin curiously protrusive; his keen grey eyes, and his face slightly marked by small-pox, were animated and lit up by intellect. His mouth was large, gave utterance to a thin, dry voice, every word and accentuation being distinct. His manner was ungraceful, his arms being long, and his dress not well defined. His health was not strong, and his new and unblemished public life gave a laudable interest in favor of the orator, now thirty-three years of age.

The person of Flood, on the contrary, was tall, slightly attenuated; his eyes were blue and sight strong; his countenance clear, his hair brown, his nose, which had suffered some injuries, was depressed at the bridge, and therefore had the defect which his opponent took advantage of. His broad and well-defined forehead gave an impressive and intellectual effect to his bearing. His gesture was good and highly energetic. His graceful manner and elegance of dress produced on the whole a dignified and on some occasions a grand effect. It was no small danger to enter into a contest with a man so perfectly armed. Mr. Flood was then just fifty years of age.

As an orator, Grattan had heard the first men ; he had studied the best orators, he had fed his imagination with the choicest flowers, and his improvisation was easy and attractive. His use of the antithesis gave a firm and logical consistency to what he affirmed. His use of the figures of amplification and invocation, which he did with marvellous effect, was followed by admiration and delight. His "rich wardrobe of words" permitted him to lend a new and finished costume to all his topics. In invectives he did not so much excel. His passion was superior to his reason, and then he let loose the phials of his wrath against his opponent. He was vain, more than ambitious ; he was opinionated, rather than informed.

In this manner GRATTAN threw down the gauntlet to his opponent, at the very opening of a debate on retrenchment of the Civil List. "I do not rise to excuse myself by the affectation of infirmities, for I never apostatised ; no one ever called me cheat, nor did ever any one call me a bad character."

These epithets were enough to arouse a timid man, and much more than was requisite to awaken the energy, pride, and indignation of FLOOD. He rose and instantly delivered, with that dignity and majesty of style and gesture, one of the finest specimens of *invective* in the English language. It embraced the conduct of Grattan from Dungannon to the end of the session in July, 1782. The transactions traced were within the reach of every member's memory ; not a point was exaggerated, not an incident untrue. It rose in lofty and satirical disdain, till it razed the whole fabric of Grattan.

Grattan then rose and repeated that long prepared essay, which for scurrility is only to be compared with the worst style of Greek oratory. He was not content to draw out of the twenty-two years of public life of his opponent, but he brought forward "a fictitious character ;" an artful stratagem which allowed him to *proceed with a seeming deference to the House* (for the

Speaker had more than once interfered, but the House demanded that they should go on). Grattan then continued and finished his portrait, and closed by transmuting the personal pronoun to apply to Flood himself; he did so with an intense and vindictive hatred.

The scene closed by a public challenge from Flood—"I fear not the honourable member, I will meet him anywhere by day or night; I would stand poorly in my own estimation or that of my country, if I did not stand far higher than him." Here he stopped for a moment, and the Speaker, Mr. Pery, taking advantage of the pause, expressed himself in these words: "It was with pain and regret I heard the altercation between the right honorable members, which I should not have allowed to proceed but from the express wishes of the House." Mr. Flood then left, and thus terminated the great duel of words which has been frequently cited or referred to in a partial, and generally in a most unfair, manner. Mr. Montgomery, member for Cavan, instantly carried a message to Grattan; and by the injudicious interference and disclosure of Sir Frederick Flood, Bart., Mr. Flood was arrested, and bound to keep the peace before the Chief Justice in a penalty of twenty thousand pounds.

The Oratory of Flood.—For many years previous to the appearance of Grattan, Mr. Flood was rightly considered the Demosthenes of Ireland; and considering the difference of language, nation, laws, and customs, he presented much of the spirit and style of Demosthenes. Familiar from study and practice with all forms of rhetoric and the figures most adapted to public occasions, he used them with wonderful discrimination; for the figures that might be used in the House of Commons on a memorable subject, would be out of place elsewhere. Mr. Flood was admitted by the most capable admirers of the highest order of eloquence to be a perfect master, not only from the aptitude of his nature but from the most rigid culture

of his faculties. Grattan himself took him as a model; he wrote to a friend, in 1772: "We passed a pleasant time at Flood's; we discoursed, we declaimed; your humble servant execrable, Flood as fine as anything I ever heard."

Grattan had not then entered "the battle of life." He said again, "Mr. Flood, my rival, as the pamphlet calls him; I should be unworthy of such a rival, if in his grave I did not do him justice. Like Hercules, with small things he trifled, and was miserable; but give him the thunder-bolt, and he had the arm of Jove." His oratory adapted itself to the debate, and for this very reason he was most formidable; always armed and prepared, he could scarcely ever be taken at a disadvantage. All energy, "all soul," his thoughts were grand rather than figurative; he passed easily to the sublime and solemn, particularly in his perorations.

It is true, we have but the fragments of Flood, while we have the carefully conned speeches of his contemporaries; but they are like the leaves of the sybil,—they are wisdom.

Demosthenes spoke on the laws and institutions of the Athenians; he excited their love, honour, and devotion in the Philippian orations, at a period when the Athenians were in the highest culture of refinement. He was extolled, he was crowned, he breathed in marble. Flood, the denouncer of the laws of Poynings, of Phillip and Mary, and tyrannies of Viceroy, worse than laws, asserted freedom, national honour, and independence: his course was arrested; he died before that very temple he had so admirably aided to construct, in his fifty-ninth year.

Two days after Grattan delivered his invective, Mr. Flood claimed the right of reply on the ground of an interrupted debate. He then delivered one of the most lucid, simple, and brief statements of political conduct and college life to be found in the lives of public men. A justification so easily tested, so noble, *so true*, yet much inferior to his great character, that

he must be forgetful of principle and honour who stands up at the present day to insinuate, by any inflection of language, to insult the memory of a statesman who wronged no one but himself.

When Pulteney made his invective against Sir Robert Walpole, Pulteney, violent though his expressions were, kept within the limit of the political life of his adversary; Walpole's reply was not comparable with that of Flood to Grattan. When we reflect for a moment on the position of Mr. Flood, born, as it were, and attended with Fortune's best gifts; of high family himself, connected with the strongest family interests of the period, equal to any position, repeatedly offered such marks of favour as were eagerly sought for by others, yet he abandoned all for the service of his country. How noble, how excellent was such a public man!

STATUE OF DEMOSTHENES.

When standing before the statue of Demosthenes in the PIO-NONIAN Gallery in the VATICAN, it was impossible not to be struck with admiration at the tall, attenuated figure; the broad and thoughtful brow; the easy attitude—the arms extended and meeting in front, with the scroll of an oration between his hands; the folded vesture. It was impossible not to feel an indescribable pleasure on beholding this precious excellence of Grecian art, possibly the finest statue of the Prince of Orators. He is represented as about to address the Athenians—his calm and majestic front, his eyes resting on the crowded arena, his mouth compressed, his small receding chin concealed by a beard of scanty proportions. Such was Demosthenes: all soul, all intellect. How few are really orators; how incomparable is a gift so rare! Oratory is the epic of thought. Homer had his rival in Demosthenes; Virgil in Cicero—the highest order of genius in both. The noblest faculties are required to form the perfect

orator; his mind as well as his body must be under control, a discipline of thought and a discipline of the passions must accompany the gift of eloquence. Then the ideas must be enriched by information, for every art and science; every wonder or beauty of nature; the incidents of life, our hopes and fears, our virtues and vices, glory, honour, and immortality, dishonour and infamy; the love of country, her laws and institutions; all the circumstances of the pride of life; the dignity and glory of the past, the possible infamy and degradation of the future; the example of mighty achievements; the emulation produced by their history—all these come within the illustration of the orator. But as oratory is the epic of thought, so are the occasions rare for its exercise, and few are the men so wonderfully gifted. The Attic people and the most distinguished men of Greece assembled to hear the Phillipian orations of Demosthenes. All the Ionic and Ægean Greeks came to Athens to hear the rival orators Æschines and Demosthenes. What a surprising nature must these people have possessed, that idiomatic eloquence of language was sufficient to bear away the crown! What are we to think of Hyperides, whose grandeur of thought and beauty of language were only surpassed by his sublimity of action; who, when he had used every effort, then withdrew the veil from the vestal Phrené, and exposed her innocent form before her inexorable judges when outraged virtue had been accused; the sacred figure of the vestal crowned the orator with success, and Phrené before the Archons is immortalised. What are we to think of that surpassing instance of the orator Alcibiades—general, statesman, and orator combined? The people of Catena seeing the approach of the Athenian fleet, demanded who was the commander. Being told that Alcibiades was he, the Sicilian city sent a deputation to request he would address them in the amphitheatre outside the city. The Athenian chief readily conceded. The *captivating* grace of his person, the surpassing beauty

of his eloquence, the Attic correctness of his words,—the interest with which he engaged the Cateneans to join the confederacy—absorbed in the idea, charmed by the grace, dignity, and descriptive art of Alcibiades, they forgot their deserted city and port, which the Athenian forces took possession of.

The Lectures before me refer in a light and insignificant manner to the bequest of Mr. Flood to the University of Ireland. Yet, what more munificent proof of a great patriot could be evinced than the object of that bequest? To establish in the national seat of learning a Chair and Professorship of the ancient dialects of his native land; to collect from the remotest parts of Europe remains of the Celtic and Runic tongues; to trace their origin, their affinities, and the monuments of the most distant eras of Irish or Erse history; to examine and unfold the Brehon laws, which had been so long the rule of conduct and of government before the conquest of Henry II.; to make familiar to the learned and unlearned that language which St. Patrick and St. Columba had used as a means of converting from Paganism to Christianity the inhabitants of the sacred isle—what nobler object could a great patriot think of more worthy of his untiring efforts? To raise a monument, not to himself but to the glory of his country; to draw to her the respect and consideration of the learned philologist and the enquiring philosopher, who could find in her antiquities a source of interesting literature, of sacred memorials before the decline and fall of the Roman Empire. It is true this grand design was frustrated, but the honour of such an exalted purpose was Mr. Flood's. The law of *mortmain* was pleaded as a bar to the acceptance of the University, being a corporate body, and the statute being still in force against the Irish College, though Oxford and Cambridge were freed from its application.

Mr. Flood was not alone in his patriotism; his father had set the example, and other members followed, if

not with the full sunshine of genius, at least with a large and unshaken fidelity to the popular principles of the eighteenth century in Ireland.

The Right Hon. Warden Flood, Lord Chief Justice of the King's Bench, was a person of enlarged views and brilliant talents, he had represented in early life the county Kilkenny in Parliament. From his liberal opinions he was presented with the freedom of the city of Cork. Both his sons were in Parliament. Mr. Warden Jocylene Flood was Member for the borough of Callan, and his son Henry succeeded him in the representation of Kilkenny. Mr. Warden Flood, LL.D., had successively represented the boroughs of Baltinglass and Longford; he was a person of high attainments, and wrote a valuable work on tenures in Ireland, under the name of "Molyneux, Junior," a work only second to the celebrated essay on the Constitution of Ireland. This distinguished member of the family was likewise presented with the freedom of the city of Cork.

Sir Frederick Flood, Bart., had represented in Parliament Wexfordshire for many years, and for which county he was *Custos Rotulorum*. In early life he was remarkable for his active capacity. Mr. Francis Flood and Mr. John Flood were both in Parliament. These members of the Flood family were as independent in fortune as in politics, and are deserving of more than a passing notice, connected as they were with some of the strongest interests in Ireland during the last century. The Lord Chief Justice was married to a lady of remarkable beauty and accomplishments, and of a singular taste for literature, and took a prominent position at the Vice-regal Court, then maintained with considerable splendour. Mr. Warden Flood had married a lady who, derived through her Celtic genealogy, claimed to be allied to the Geraldines, to be descended from the last Earl of Desmond, and by consequence related to the Earls of Kildare and Dukes

of Leinster. In her Celtic pedigree she was Princess of Munster.

Sir Frederick Flood had allied himself with the sixteenth Earl of Anglesey, by his marriage with Lady Juliana Annesley; and, secondly, with the eldest daughter of Lord Waterpark. Mr. Francis Flood, with the daughter of Mr. Villiers Hatton, of Clonard, Wexfordshire, representing the distinguished Chancellor, Sir Christopher Hatton, K.G.; and Mr. John Flood, the daughter of Sir Hugh Compton, Bart.: so that in the last century this family represented a very powerful and commanding interest.

The great statesman, whose character and services I have been most anxious to protect, though married to Lady Frances Beresford, daughter of the Earl of Tyrone, never made use in any political sense of the influence of that family, but acted wholly independent of it.

I have been drawn into this brief notice of the former importance and position of the Warden and Hatton branches of the Flood family, of the County Kilkenny, since I find Mr. Whiteside has put forward a number of names which in no wise contributed to the support of the Parliaments of Ireland, and by consequence to the independence and dearest interests of their country.

PORTRAIT OF MR. FLOOD.

In connection with this subject is the allusion made by Mr. Whiteside to Mr. Flood's personal appearance. I may venture to assert, the learned lecturer is as little happy in his portrait painting as he is in attributing all benefits in the political well-being of Ireland to the union of the legislatures.

The portrait of Mr. Flood in the University Hall of Dublin is in no way a resemblance. It has been generally supposed that the six portraits in the Dining Hall were executed by contract, and from the coarse execution of them might readily be supposed exact.

Mr. Flood had a clear countenance, blue eyes, rather full, brown hair, rather what is called the Saxon type of features. A broad and massive forehead, but powder being the mode of the day, it concealed the colour of his hair; his nose, which had been straight, was much depressed in the bridge, owing to an accident; and Grattan, who was anxious to take from him any superfluous pride of place or personal appearance, called him the ill-omened bird with cadaverous aspect and "broken beak," which was certainly not complimentary. Mr. Flood's paleness was rather the result of indisposition than natural colour. He had a clear tint rather than a pallid one.

His dress was usually a light brown coat, which was the fashion of the day. He was what might be termed a well-dressed man in the fullest sense of the expression, and his whole figure was highly imposing.

Mr. Whiteside is not more skilful than Grattan in drawing likenesses.

There is extant a singularly correct portrait of Mr. Flood, representing him as addressing the House of Commons of Ireland; and as the picture includes Grattan and several other distinguished persons, it would be worthy of being copied for the University.

The vindication of the constitutional rights of Ireland to have a Parliament which might freely exercise the functions of a legislative body was no more than what Mr. Molyneux had done in 1692. I have endeavoured to defend those principles with the spirit of that distinguished Irishman and the energy of Flood. It is plainly evident that Ireland was quite equal to the duties imposed by an independent legislature, had she been permitted to do so without interference. That was the great desideratum of the most disinterested patriots and statesmen of Ireland; but the contending interests in the country arising from absentees and English connections combined to destroy unity of action and of object. The Irish people, the Celtic, Danish, and Norman Catholics, were too weak as a political

body, and too impotent as a military one to resist the Protestant ascendancy after the victories of William. Ireland, beaten and trodden under foot, had no longer strength to withstand the formidable array of obstacles erected against her advance in social life. Gradually the politics of Great Britain, both external and internal, made it still more difficult, till at last Mr. Pitt found it necessary to suppress even a Protestant Parliament in Ireland. The way he did it, and the means and agents he employed, will be the subject of a future essay. The decline and fall of the Irish Parliament commenced in 1790 to 1800, a DECADE which may well occupy a separate Part in an Historical Review; for in European history there is no instance—not even the partition of Poland—so ignoble and so corrupt as the mode by which Mr. Pitt effected the union of the legislatures, or an instance more extraordinary than the assumption of a small Protestant minority of an ancient Catholic kingdom selling her sovereign power and legislative capacity.

Ireland, for whom so many men of genius, such as Molyneux and Flood, had toiled and strived with indomitable perseverance and without reward, was to become the bye-word among nations as without nationality or spirit.

It may hereafter be a question how far a Union of the Legislatures so contracted could be binding in international law. Ireland was then, and is now for the most part, a Roman Catholic nation; and this part of the population were driven to civil war or insurrection by the international Government from 1790 to the fall. Nothing is so easy as to triumph, and nothing more tempting than to exult over fallen institutions and great statesmen; all things become little and of inferior moment before that sort of wisdom which some men boast of on subjects gone by; on nationalities no longer in existence; on men grand and majestic in their conceptions, disinterested even to a fault; what are they to this new-born wisdom of yesterday? The past of

Ireland is reproduced in these lectures merely to excite the jocose ridicule, the contemptuous sneer, or the ribald anecdote—a Sir Boyle Roche or a Mr. Barrington are the merry-men of one end, while “Tottenham in his boots,” the hacks of the “servile senators” and the “Pipe water committee” travesty the other. We shall see by the aid of official papers recently published who were the vendors of their national representative.

It may indeed be doubted whether a chivalrous and national spirit could ever be revived, seeing that the mercenary appetency of the upper and middle classes of society is so great that the public press has become a speculation—when money is preferable to honour, and principle recedes before success. To examine how Sir Arthur Wellesley and Lord Castlereagh exercised their official sway in Ireland would be instructive, if instruction could be useful to Irishmen of Celtic, Norman, and Danish extraction.

END OF SECOND PART.

